

REPORT

OF THE

SRINAGAR RIOT ENQUIRY
COMMITTEE.

1931-1988.



SRINAGAR :

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MAY IT PLEASE YOUR HIGHNESS,

On 14th July 1931 the day following the disturbances in the city of Srinagar Your Highness was pleased to appoint a Commission consisting of the Chief Justice of Your Highness' High Court as Chairman and two Judges of that Court and a non-official Mohammadan gentleman and a non-official Hindu gentleman as Commissioners. Five days later on the 19th of July Your Highness directed the addition of two more non-official members one a Mohammadan and another a Hindu. The next day the non-official Mohammadan Member Khawja Saad-ud-Din Shawl appointed on 14th July tendered his resignation and was replaced by another Mohammadan non-official Member Khawja Ghulam Ahmad Ashai. On the 27th of July when it was found that the non-official Commissioners appointed by Your Highness excused themselves from accepting their nomination on the Commission and that Mohammadan public opinion did not desire that a representative Commission of officials and non-officials belonging to both communities should function, Your Highness was of opinion that it would not be fair to have a Commission of officials helped only by non-official members of one community, so Your Highness directed that the Commission appointed on 14th July be dissolved and that an official enquiry be held by the Chief Justice and the other two Judges of Your Highness' High Court.

Such an enquiry has now been made. It started on the 27th of July and the recording of evidence ended on the 11th of September. 112 witnesses have been examined by the Committee. The method of procedure was to request every witness who was summoned to bring a written statement. Several witnesses did not desire to give evidence in public so part of the evidence was taken in public and part in camera. The written statement relating to public evidence was read out in public and then the witness was examined orally by the Commissioners and the written statement was made an exhibit on the record. Similarly with regard to evidence in camera, the written statement was first read out in camera and the witness was subsequently examined on the basis of that statement. In that case also the written statement was made an exhibit on the record. A very few witnesses did not submit any written statements either previously or at the time of their appearance before the Committee. These witnesses were orally examined either in public or in camera, according to their desire, on what was believed to be within their knowledge and within the scope of our enquiry. Certain written statements of persons, who were not considered important enough to be examined orally, have also been placed on the record.

Our position was somewhat of a peculiar and difficult nature. It may be said that there are three parties to the enquiry: the Government the Mohammadans and the Hindus. No party at the commencement of our proceedings had any case ready to present before us. None of these parties was represented at the bar of the trial. We were, therefore, left to our own endeavours and good sense to arrive at the truth. We examined all the Ministers of State to understand the position of the Government. The Hindus were astute enough to formulate their case through certain representatives notably Pt. Prem Nath Bazaz (W. 38, P:) and Pt. Jia Lal Koul (W. 80, P:).

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The Mohammadans pretended to boycott the Committee and to keep aloof. Even so late as the 9th of September a person calling himself Mufti Jalal-ud-Din (W. 103, P:) who was wrongly described on his application of no date (Exhibit 128) as Secretary of Muslim representatives, stated that the Muslim Community had decided to stand aloof, meaning from the Commission, and had not adduced any evidence so far. This young man of about 25 when questioned by the Commission, replied that he represented no one but himself but the Commission had no doubt that he was put up by the so-called Muslim representatives. He suggested the names of a large number of Mohammadan witnesses. On 9th September he was told that he may bring non-official witnesses with written statements on the 10th or 11th while the Committee summoned the official witnesses suggested by him and they were examined on the 10th and 11th. The young man Mufti Jalal-ud-Din never turned up during those days with the non-official witnesses. His statement that the Muslim Community had not adduced any evidence was incorrect. Several Muslims such as Pirzada Ghulam Rasool (W. 87, P:) Head Master, Islamia High School, Srinagar, came forward to represent the case of Mohammadans. This particular witness put in a very lengthy written statement and the Commissioners spent much time in examining him in detail. Certain Mohammadan witnesses both official and non-official to quote among officials Kh. Salam Shah (W. 76, P:) and among non-officials General Samander Khan, (W. 90, P:) were examined by the Committee with particular care as they appeared to the Committee to represent different shades of opinion of the Mohammadan public. The Committee has noted one particular characteristic among Mohammadan witnesses that they desired to give their evidence in camera. This desire was not existent among Hindu representatives, who in a way preferred to give evidence in public. Obviously the Mohammadan opinion is not uniform and settled and therefore the exponents of every shade of opinion were afraid of their opinion not being acceptable to those Mohammadans, who held different shades of opinion. On the very last day, 11th of September, a young Mohammadan gentleman Ghulam Qadir who regularly attended the sittings in the portion set apart for correspondents of papers, gave in the office five written statements. This was done almost at the same time when the Commission openly closed the oral enquiry. When the Commissioners separated, the Chairman discovered that these five written statements had been put into office slightly before the Commission closed the enquiry. He however discovered that these statements were put in by Ghulam Qadir and not by witnesses themselves and only two of them Abdulla Joo Kapra and Mohammad Maqbool were present. At the request of the Chairman, the Commission in spite of the order of closure examined Abdulla Joo Kapra and Mohammad Maqbool and a third witness, a young College student, Mirza Noor Din who also came up with a written statement. Thus every facility was given to Mohammadan witnesses. The Commission is fully satisfied that every grade of Mohammadan point of view has been disclosed to them.

Immediately on the appointment of the first Commission on 14th July, notifications were distributed broadcast in the city of Srinagar and affixed at various places of vantage requesting witnesses who had anything relevant to depose to come forward and have their say before the Commission. This information was also announced by beat of drum throughout the city. The Commission was further on the look out to summon witnesses who may be suggested during the examination of any other witness. All witnesses who were requested to appear

Preliminary—Concl'd.

before the Commission honoured the summons except Mr. Mohammad Abdulla M. Sc., Mr. Saad-ud-Din Shawl, and Ghulam Ahmed Ashai. Mr. Abdulla M. Sc., did not send a reply. Mr. Shawl made a return that he was ill; possibly the vernacular proverb came true that the physician prescribed what the patient desired. Mr. Ashai had the courage to reply that he would not appear. Your Highness had granted the Chairman sufficient authority to enforce the presence of these witnesses before the Commission but it was not considered desirable to assert that authority.

We may recapitulate Your Highness' commands as to the scope of the enquiry and the recommendations Your Highness had desired us to submit. They were declared at the time of the appointment of the first Commission on the 14th July last and the Committee was directed to enquire into and report on the matters mentioned in the order of the 14th July 1931 and to make recommendations on the points mentioned in that order. According to that order we were directed to enquire and report upon—

- (i) the circumstances which led to the recent disturbances at the Jail, Maharajgunj and other localities in the city of Srinagar;
- (ii) the sufficiency or otherwise of the action taken to anticipate and deal with the above disturbances.

The recommendations we were directed to make related to—

- (i) the restoring of communal peace and harmony as quickly as possible;

and

- (ii) prevention of such deplorable occurrences in future.

In the nature of things our first duty will be to determine what the facts were of the disturbances according to our conception without going into personal details of individual cases. Throughout the enquiry we have been careful as we shall be careful during the report to avoid the discussion of any individual liability. It will be for the Law Courts to determine the liability of individuals with reference to the disturbances and as Judges of the High Court we are particularly desirous that we may form no opinion as to individual liability so that in our capacity as Judges we may not be precluded from hearing appeals when they are filed in Your Highness' High Court on conviction or acquittal of individuals. On the main facts as to whether there was a riot at the Jail and loot at other places or not we cannot avoid the recording of our findings. These however will be findings in the abstract without assigning any individual criminal liability.

FACTS.

The protruding fact which was a preliminary to the sad disturbances was of the occurrence at the Jail which, therefore, will have to be examined in great detail. A large number of Magistrates and Police officers had got themselves shut in there but the principal testimony is that of the Governor of Kashmir Raizada Trilok Chand (W. 1, P:) and Sh. Aziz Din, Deputy Inspector-General of Police (W. 3, P:). Their evidence is given in great detail and we hold it to be true in the main. On 21st of June 1931 one Abdul Qadeer who had come to Srinagar in the service of a European visitor as cook made a speech at a Mohammadan meeting held in Khanqah Mualla in Srinagar. This speech was considered by the responsible executive officers of Government to be seditious. So he was arrested on the 25th of June and under the sanction of Your Highness a complaint was made against him in the Court of the Sessions Judge on the 4th July. Under special Notifications of Your Highness, offences under Sections 124 A and 153 of the Indian Penal Code were made triable directly by the Court of Sessions and that is why the complaint was made in that Court and not before a Magistrate. During four hearings in the Court of Sessions on the 6th, 7th, 8th and 9th it was found that the trial had greatly excited the Mohammadan public opinion and crowds of Mohammadans obstructed traffic on the way while the prisoner was brought to Court and taken back every time to the judicial lock-up. Large crowds assembled in the Court and Court compound also. The District Magistrate was apprehensive of a breach of the peace, which would be particularly undesirable in a quarter mostly frequented by visitors from abroad in the height of the Kashmir season. On 11th July the District Magistrate, therefore, suggested that the trial should be held in Jail and permission was granted on 11th of July, the Chief Justice making it a condition that the District Magistrate will be responsible to make all necessary arrangements both for the trial and to keep order. This was particularly insisted upon by the Chief Justice because in his letter to the District and Sessions Judge, the District Magistrate had asked the Sessions Judge to arrange for the conduct of the hearing of the case within the walls of the Central Jail. The Chief Justice instructed the Sessions Judge to reply that the Court may be held in Jail but that the District Magistrate will be responsible for everything else. If any body believed that any arrangement could be kept a secret in Srinagar, he will be making a great mistake and it is obvious that within a few minutes it was well-known that the trial will be held at the Jail. We have definite evidence that on the night of the 12th there was a Mohammadan meeting at Gaukadal (See W. 48, P:) and the Police report as regards this meeting), to incite Mohammadans to go in large numbers to the Jail. The usual exciting declarations were made there of danger to religion. Both the District Magistrate and the Deputy Inspector-General of Police have admitted that on the 12th of July they had received warnings of probable alarming happenings next day. We shall deal later with the part played by Pandit Sudarshan Koul, Assistant Superintendent of Police of Srinagar (W. 6, P:). Suffice it to say here that he brought that night alarming news of the likelihood of an attack on the Jail by a large mass of Mohammadans next day. Both the District Magistrate and the Deputy Inspector-General have deposed that they did not take alarm because this information was not verified. Executive and Police officers have to take action on rumours of alarm if they have to be effective officers and not wait like judicial officers on verification before recording a conviction. It is amazing to us that the District

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Magistrate did not ascertain even the strength of the Police at the Jail on that night and that the District Magistrate had never visited the Jail before. All the extra preparation made was an order by the Deputy Inspector-General of Police for the despatch of 44 Policemen with 5 Head Constables and 2 Sub-Inspectors and one Inspector to proceed to the Jail and this force did not start for the Jail till as late as 12-30 P. M. Out of this force 22 Policemen were armed and the rest had clubs. The Deputy Inspector-General says that he gave the order by telephone to the Line Officer at 9 A. M. but it is obvious to us that immediate performance was not directed and the force was timed to arrive at the Jail at the time of the trial and not previously. If it had been at the Jail previously it would have succeeded in creating an impression on the crowd. Pandit Kishen Lal Kichalu (W. 10, P:) was the Sessions Judge who went to the Jail to hold the trial.

The Police force arrived at the Jail a little after 1 P. M. after the Superintendent of Police Mr. Thappa (W. 4, P:) arrived there. Already at 12-30 P. M. the Jail officials were alarmed and phoned to the Police office whereupon the Superintendent of Police went to the Jail. When the Sessions Judge arrived at the Jail there was only the Jail force there. The Jail guard may not be insufficient in number but it was entirely inadequate through want of offensive impliments to prevent or put down a disturbance. 100 Policemen formed the guard at the Jail, ten of whom were Head Constables. As a rule 19 men are on duty at one time. Nominally they are supplied with rifles but to quote the statement of the Deputy Inspector-General "There are 25 rifles supplied. These rifles are muzzle loaders, very old; they cannot fire". In the opinion of the Jailor Lala Karam Chand (W. 11, P:) these rifles "are worse than *lathis*". All the available force excepting three in the Hospital was brought out by the Jailor but this force did not even possess *Dandas* and had only small clubs. When the Sessions Judge arrived for the trial at about 1 P. M. a crowd of four or five thousand Mohammadans had collected at the Jail and transparently the Jail force was entirely inadequate to over-awe such a crowd. Moreover, though the District Magistrate was not aware of the disposition of the Police force at the Jail, it may be taken for certain that those who were at the back of the crowd and collected it knew well the excessive inefficiency of the Jail Police. An accurate idea of the locality is essential in determining the true facts of the case. Exhibit (8) is a plan of the Jail. The Jail has a compound with high walls and the high walls in front of the Jail are so high that one cannot shoot over it at any crowd standing on the road. There is a wooden gate at the Jail to enter the compound. On the other side of the Jail to the south of the compound there is a walled grove, which also has a door more or less opposite though not exactly opposite to the wooden gate of the Jail. This is to be clearly borne in mind to understand that Constables shooting from the Jail compound could only shoot at men on the road in front of the wooden gate and not anywhere else, on the road to the south nor could men inside the grove be shot at from the Jail compound. At the south west corner of the Jail there are Police Lines for the use of the Jail Police. There is an iron gate to the Jail building. This gate is about 50 yards from the wooden gate and a path leads directly from the wooden gate to the iron gate. When the Sessions Judge arrived there was a large mob of Mohammadans blocking the road south of the Jail compound and it was with difficulty that a passage was made for his

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car to pass through. As the car entered by the wooden gate the mob which was collected there entered the compound of the Jail disregarding the directions of the Police to remain outside. This situation was so alarming that the Sessions Judge requested the Jailor to inform the District Magistrate and the Deputy Inspector-General of Police. It was then that a phone message of alarm was sent to the Police Office and the Superintendent of Police arrived first at the Jail, in answer to the summons. There can be no doubt that riot was committed by the mob as soon as it entered the compound of the Jail. The Sessions Judge has stated that it was related by the Jailor that the crowd wanted to enter the Jail building and to have a look at the face of the accused. There was not the permission given to the crowd to enter the Jail compound, much less to enter the Jail and to have a look at the prisoner. The mob outside the Jail was an unlawful assembly because under Section 141 I. P. C. unlawful assembly is described as an assembly of five or more persons with the common object of the persons composing that assembly to over-awe by criminal force or show of criminal force any public servant in the exercise of the lawful power of such public servant, to commit any criminal trespass by such means, to enforce any right or supposed right or by such means to compel any person to do what he is not legally bound to do. To take the most indulgent view, the crowd desired to attend the trial and to have a look at the accused. That was a desire to over-awe the Jailor in the discharge of his lawful duty to keep the crowd out, by force to enforce a right which they supposed to exist in themselves to be present at the trial and to compel the Sessions Judge to put up with their presence when he was not legally bound to do so. When force is used by an unlawful assembly or by any member thereof in prosecution of the common object of that assembly, every member of that assembly is guilty of the offence of rioting. The entry of a large number of Mohammadans inside the Jail compound along with the Sessions Judge's car was clearly the use of force by the great many members of the unlawful assembly. So all the members of that assembly were guilty of rioting at the time. According to this view rioting had already been committed when the District Magistrate and the Deputy Inspector-General arrived on the scene at about 1-15 P. M. It may be remembered that at the same time arrived the extra Police force. The total Police force then at the time consisted of 22 armed Policemen and 119 other Policemen 22 with *dandas* and rest with small clubs, 5 Head Constables, one Sub-Inspector and two Inspectors. It will be admitted that the force with its known inefficiency was entirely inadequate to over-awe a crowd which had at the time grown according to the Deputy Inspector-General's estimate to the number of about seven thousands.

It appears that the crowd which entered with the Sessions Judge had gone right up to the iron gate. There is convincing evidence of this but it is not very clear what force the crowd used to the iron gate; whether the crowd shook the gate holding it by the bars or whether it only pushed at the gate. There is a divergence of evidence here. When the crowd came up to the Jail gate naturally the Jailor and others wanted to examine the capacity of the gate and discovered that one socket of the inside bolts was missing. It is in evidence that this socket had been missing previously. A hasty conclusion was drawn by the Jailor and Deputy Jailor that the socket had come off during the attack on

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the iron gate by the crowd. Nothing much need be made of this incident. It is certain that some repair was made to the gate to make it as strong as possible to resist an attack.

When the District Magistrate arrived he was told by the Jailor that the iron gate had been attacked by the crowd and through misinformation of the Jailor he was further told that a socket from the inside bolts had come off, at the time.

When the District Magistrate arrived every Civil Court Magistrate of Srinagar was locked up at the Jail. For no reason whatsoever the District Magistrate took the Additional District Magistrate along with him. He says that he did so for consultation. It is not apparent to us in what way the Additional District Magistrate was helpful in a consultative capacity. The District Magistrate knew that at least one Magistrate Mr. Bhim Sain was at the Jail. Mr. Satya Lal was at the Jail in his capacity as a prospective witness. It was a great mistake to crowd all these Magistrates at the Jail and deprive them of use elsewhere. When on that day at about 4 P. M. the Chief Justice desired the services of a Magistrate to depute to a particular locality he had to look out for a Revenue Court Magistrate. The Committee has noted with regret that out of all these Magistrates collected at the Jail not one went forward to the crowd to try to reason with it and pacify it. The District Magistrate as the highest Magistrate present took charge of the situation and the others were of no use whatsoever. One Magistrate Mr. Bhagat Ram expressed his opinion with respect to a certain act which we shall consider later that it was done to enforce the dignity of the law; and the Chairman put to him the question whether he thought that the dignity of the law was maintained by four Magistrates remaining inside a room of the well protected Jail building and not one of them going out. He entered a very feeble defence that other Magistrates were under the orders of the District Magistrate, who did not order them to go out. The District Magistrate himself explained that he had the experience of a meeting at Hazratbal that the Mohammad-ans paid no attention to what he said, and, therefore, he made no attempt to reason with the crowd. Even so, we are of opinion that on his arrival it was his duty to question the mob, to find out what its object was and try to reason with it. The crowd ought at least to have been told by the District Magistrate that it was a criminal gathering and took great risks of a clash with authority. This omission on the part of the District Magistrate has met with our disapprobation. The District Magistrate did not show a bold front personally. He went inside the Jail building upstairs to a room next to the one where the Sessions Judge was sitting and vainly waiting for the time when the trial of Abdul Qadeer may commence.

As we have already explained, the District Magistrate was fully justified in considering the crowd which had entered into the compound to have committed the offence of rioting. He directed two C. I. D. Officers Abdul Karim and Habibullah (W. 17 and W. 18 P: and) to arrest the persons who had entered the compound. We quite agree with the District Magistrate's opinion that these two officers wrongly denied having identified a single one of that crowd. They were C. I. D. officers and entirely unfit for the duty of their office, if they were really as ignorant as they pretended

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to be. The Governor thereupon ordered that the rioters may be arrested. There can be no question that such an order would be justified, whether of the arrest of persons who had actually entered the compound or of persons who were outside. According to law all those present outside the Jail and those who joined the crowd afterwards were equally rioters to the same degree as those who forcibly entered into the Jail compound. As to the wisdom of such an order we have doubts. The District Magistrate has justified it on the ground of his desire to exhibit to the populace the strength of the guardians of law and order as fault had been found by higher authorities on deficiency of courage exhibited by Magistrates on similar occasions previously. We believe that this is an after-thought on the part of the District Magistrate. Our opinion is that the District Magistrate had not acquainted himself with the very small amount of effective force at his back. On 12th July, he was even ignorant of the state of the Police force at the Jail. He must have seen a large number of Constables and thought that they were all effective not knowing that only 22 of them were armed with rifles and only 22 more had *Dandas* which can really be of use as weapons of offence or defence.

As soon as some members of the crowd were arrested and five of them brought in there happened what should have been predicted. The crowd grew restive and proceeded to throw stones. After this the action of the District Magistrate upto and including the firing has been very carefully examined by us after consulting all the available evidence produced before us, and we have come to the conclusion that the firing was justified. The situation ending in firing has been very well summarised by an Inspector of Police Pandit Maheshwar Nath (W. 16, P:). It is the most dramatic description of the state of mind of the officers at the time. He said: "The mob was in an excited state, slogans were being shouted, the telephone lines were furiously shaken and it was feared that they will be cut off as they were subsequently cut off. Stones were thrown by the mob on the Constables, some Constables were wounded, on the western side of the enclosure there was a cry that there was a fire." To this, may be added the fact that a noise was made inside the Jail that the prisoners were restive and were trying to break open the Jail. The Governor further says that he was informed by the Deputy Inspector-General of Police that the butt end of one rifle of an armed Policeman had been broken by a stone. The Deputy Inspector-General of Police was standing outside the iron gate. The District Magistrate requested him to inform the mob that they had constituted an illegal assembly. The noise at this time must have been so tremendous that possibly few people heard the voice of the Deputy Inspector-General of Police. That is the reason why very few officers have deposed to such a proclamation being made. Under the law it is not essential that an assembly should be commanded to disperse. Section 128 of the Criminal Procedure Code lays down when civil force may be used to disperse an unlawful assembly. It enacts "If upon being so commanded, any such assembly does not disperse or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate may proceed to disperse such assembly by force". There cannot be the slightest doubt that the assembly of Mohammadans had no desire whatsoever to disperse. They kept on throwing stones and so the order to fire given by the District Magistrate was one that could not have been delayed. The

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entire evidence of Mohammadans by way of defence that the crowd was a peaceful crowd with its mind bent upon offering prayers is completely falsified by the testimony of Mr. Wakefield who arrived at the scene at 3 P. M. (W. 56, P:) and of Brigadier Sutherland (W. 70, P:) who arrived at about the same time. They saw a large quantity of stones lying in the compound between the iron gate and the wooden gate. The expression used by Mr. Wakefield is that "the place was strewn with stones which had been thrown by the mob". After the firing certain rioters were arrested and Mr. Wakefield spoke to them and asked them what they had been doing. One man came forward and said that they merely had been praying and that the police had opened fire on them. Mr. Wakefield thereupon asked him whether stone throwing had anything to do with praying because he had found the whole space in front of the Jail littered with stones thrown by the mob. To this enquiry none of the arrested Mohammadans gave an answer. Brigadier Sutherland has said that the quantity of stones scattered about inside the compound was such that he drew the inference that they must have been thrown by a large number of people. Both the witnesses also saw a large number of kit boxes of Police men lying about in front of the Police Lines. It is certain that there was no manipulation of the situation because when these witnesses arrived the rioters had just left and the District Magistrate was still inside the Jail and only preparing to come out. We have examined with care the situation as it existed before the firing. Gopi Nath Constable was one of those who was bringing to the Jail some under-trial prisoners (W. 28, P:). He received injuries on the head from which he bled profusely and he has deposed that he was unconscious when he was taken to the Jail Hospital. Another Constable, Gurdit Singh of the escort was also injured and taken to the Jail Hospital. There is abundant evidence to prove that an attempt was made to fire the Jail Police Lines and we have the evidence of Mr. Wakefield and Col. Sutherland as to the contents of the Police Lines being thrown out.

We are further satisfied that the firing was not prolonged beyond what was necessary. According to the Governor he gave orders, which resulted in firing 11 times. The firing line was drawn up to the right of the road from the wooden gate to the iron gate. The Deputy Inspector-General has explained that these Constables turned a little to the right to fire at the crowd at the wooden gate. Ten men fired at first in the air twice. Subsequently two more rounds were fired. The mob did not disperse and continued to throw stones even with greater violence. Two more rounds were therefore fired. The stone throwing thereupon stopped for a couple of minutes but was resumed with greater violence. So the District Magistrate ordered three more rounds to be fired. In spite of this the stone throwing did not stop and continued with greater intensity whereupon he ordered three more rounds to be fired. The details agree exactly with the statement of the Deputy Inspector-General. He also deposed that a rush of the crowd stopped for a minute or two, after the 5th round was fired; there was another rush of the crowd at the gate which appeared to be larger and entered inside the compound four or five paces and continued to throw stones. He then describes the firing of six more rounds. The last three rounds being necessary when the crowd did not stop its rush on the fire of the 6th, 7th and 8th rounds. So far as can be ascertained 10 men were killed by the firing at the

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Jail. All the dead bodies were removed to the Jumma Masjid and no dead bodies were left at the spot. Dr. Vosper, Superintendent, Mission Hospital, Srinagar examined all these bodies on the 14th of July at the Jumma Masjid. He examined 11 bodies out of which one was said to have been shot at night on a city road. It is most significant that all these men had received shot wounds right in front or in the chest. So it was an advancing crowd which had been shot at and not a retreating crowd (Ex: 129).

We shall next examine the conflict of evidence and indicate why we do not believe the evidence in support of the theory that the crowd was engaged in prayers and was shot at without any cause. We have recorded how the Mohammadan Deputy Inspector-General who gave his evidence in an exceedingly satisfactory manner without hesitation and circumlocution, has completely supported the testimony of the District Magistrate. Other official Mohammadan witnesses with the honourable exception of Khawaja Saif-ud-din, Sub-Inspector (W 30, P:) have not been free from communal bias. As there was to be a trial, some Mohammadan counsel were present. principal among them was Maulvi Abdulla (W. 14, P:) whose evidence we shall have to examine in detail. The others were Pir Qamar Din, Maulvi Abdulla, Mr. Ghulam Mohammad, and Lala Nanak Chand. Pir Qamar Din (W. 13, P:) appeared to us to be a man in his dotage and made a wild statement unworthy of consideration. We first come to the testimony of Maulvi Mohammad Abdulla (W. 14, P:) a man of influence at the Bar and also among his co-religionists. To start with he alleges that when he reached the Jail at 11 A. M. he saw a crowd of only a hundred men. This appears to us to be an under estimate. According to him they had gone there to attend proceedings. Proceedings were to be held in Camera in Jail so the crowd had no right to be there. He admits that when the Sessions Judge, arrived at 1 P. M. about two hundred or three hundred men entered the courtyard of the Jail with his car. Under instructions from the Sessions Judge he admonished the crowd and told them that they will not be able to attend the proceedings, that their presence was unlawful and that they had better go away. On hearing this the entire crowd went out of the compound. He noticed one man falling down and two or three stragglers remaining around him. It is admitted that the crowd did go out and the District Magistrate has stated that on his arrival there was only the man lying on the ground and a few men round about him within the compound of the Jail. The difference in statement between him and the official witnesses is that according to him no stones were thrown after the four or five men were arrested under the orders of the District Magistrate but that the stones were thrown after the firing started. Possibly this witness being upstairs in the room where the Sessions Judge intended to hold trial did not see stones being thrown earlier. Any way it is admitted by this witness that, in spite of the firing, stones were thrown so the crowd must have been a turbulent one. This witness went so far as to say that the Deputy Inspector-General of Police told a lie when he said that he had shouted to the crowd that it was unlawful and must disperse. We see no reason why this Mohammadan Officer should tell a lie in this matter, particularly when it was not necessary to give any such warning to a crowd bent on mischief before force is used. As we have noticed above few people were likely to hear the shout of the Mohammadan Police Officer owing to the noise that must

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have been made by the crowd at the time. The witness says that he even went out before some men were arrested and the crowd promised to go away after saying prayers and a man of the name of Khaliq Shora called out *Azan*. According to this witness the men were preparing to say prayers after the *Azan* was called and some men were going towards a tank to wash (*Wazu*) and that at this time the arrests were made. This witness, however, admits that so far as the Governor was concerned the Governor was mis-informed that the man who was crying *Azan* was exciting the crowd. We asked the witness whether he contradicted the Superintendent of Police who gave false information to the Governor and the witness admitted that he did not as he was not friendly with Mr. Thappa and was afraid of being arrested himself if he made any observation. When it was suggested to the witness that when his sentiments were unfriendly towards the Governor and Mr. Thappa he may be making statements regarding the shooting so as to implicate them in a criminal offence. He replied that though they were unfriendly towards him his feelings towards them were not unfriendly. The reply did not strike us as convincing. This witness did not observe the wounded Constable being brought in but admitted that during the firing he did hear that a Constable had been wounded. The witness could not explain why the Governor should order firing on an inoffensive crowd engaged in preparing to say prayers. Even if all that this witness says be accepted as true, the firing would be justified. There is only one little difference. The witness says the stones were thrown after the firing while we are satisfied that stones were thrown immediately the arrests were made. The Governor was legally right in making arrests and if the crowd behaved in a disorderly manner afterwards the Governor was entitled to order firing under the circumstances of the case as described above.

Sh. Ghulam Mohammad (W. 20, P:) another defence pleader does not carry the case of the Mohammadans' defence any further than does Maulvi Mohammad Abdulla. His powers of observation must be very weak. He talks of continuous firing by the Police as if they had automatic repeating rifles when really after firing every round the Policemen must have reloaded their rifles. The other statement of his that the crowd was in the garden when the firing was opened must also be due to want of observation or want of memory because as we have explained already the crowd in the garden could not be shot at from where the firing line of Policemen stood in the compound. Lala Nanak Chand (W. 84, P:) defence Counsel has given a version conforming to the testimony of the Governor. He has definitely stated that the Constables who fired did not go out of the compound and that the firing ceased when the mob left the bit of road which lies between the wooden gate and the garden wall. As we have already stated a Mohammadan Police Officer, Kh. Saif Din, Sub-Inspector, (W. 30, P:) has borne out the details of the occurrence as given by the Governor. He also definitely speaks of an attack on the iron gate and attempt of the crowd to break it (See his written statement Ex. 44). He actually received two stones on his chest and fell down stunned for a time.

It is not necessary to detail the statements of other witnesses relating to the riots at the Jail. For instance, a Mohammadan witness Habib Makaya (W. 55, P:) appears to have been prepared to tell lies and very wisely for himself desired that his evidence

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should be recorded in camera. It is a good axiom to guide one in decisions that witnesses may lie but circumstances never do. In the present case there are the circumstances of the Jail compound being littered with stones, and of the rioters who were killed being struck in front.

LOOT.

There can be no doubt as to loot having taken place in Maharajgunj Bazar, in Vicharnag and in other quarters of Hindu shops and houses by the Mohammadans. There is entirely independent and reliable evidence on the subject and we are not to determine the amount of damage done to individuals. Col. Nawab Khusru Jang was the first official who arrived at Maharajgunj after the loot (W. 83, P:) with contingent of Palace Guards and was satisfied from the appearance of the locality at the time that Hindu shops had been looted a short time before he reached the place. Mr. Wakefield and Brigadier Sutherland drew the same conclusion from what they saw on arrival between 4 and 5 P. M. Mr. Eric Biscoe (W. 95, P:) actually saw looting going on beyond Maharajgunj in a small alley leading towards Alikadal. He is Principal of the C. M. H. School and he was escorting a party of boys to their homes by reason of the disturbances. He noticed the whole street filled with debris and actually Mohammadans looting shops which he believed to be Hindu shops. A Police lorry arrived at the time and he and his boys cleared the road of the debris which was blocking the way. The debris consisted of broken glass, bags of grain, and various sorts of goods mostly groceries. We ourselves visited Vicharnag though long after the occurrence. A view of the house of Pandit Kailash Butt (W. 63, P:) convinced us that everything in his house was ransacked, his property stolen and his Account-books torn. A large iron safe was carried out and broken there and was lying on the road when we went, in a broken condition.

The question for our consideration is whether the loot was an independent act of Mohammadans in a conspiracy or whether the loot was carried out by the mob returning from the Jail infuriated by the firing and the deaths of Mohammadans resulting therefrom. As regards Maharajgunj there is specific evidence of Hindu witnesses that the loot started after the dead bodies were brought from the Jail and passed through Maharajgunj. Budhi Prakash (W. 66, P:) has given a vivid description of the procession of the Mohammadans coming from the Jail. He saw three or four *charpoy*s being carried through Maharajgunj with dead or wounded men and a banner of blood, carried in front. A stick with a cloth soaked in blood and tied at one end formed the banner of blood. The Mohammadans were excited at the sight of this banner and they bowed to it and tried to kiss the cloth. This raised the mass of Mohammadans to vindictive excitement. They may have thought of vengeance against the Government but as to their minds the Hindus represented the Government, their wrath was turned towards Hindus and their shops were looted. A leading trader of Maharajgunj Bhagat Karam Chand (W. 57, P:) has borne testimony that the loot started after the dead bodies were brought on *charpoy*s from the Jail. Lala Balmakund Kapoor (W. 37, P:) has also stated that the loot started after the news arrived of the firing at the Jail. He belonged to Garh Bazar. He and his brothers by showing a bold front were able to save their shop from loot. His opinion was that the crowd was just then acquiring an appetite for loot, and had not become confirmed looters. When we visited Maharajgunj many days after the 13th of July, the appearance of the shop of Karam Chand Arora (W. 58, P:) convinced us that he had suffered much loss. He appears to have suffered the largest damage among the Hindus who were looted in this Bazar. As regards the

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conflicting
views

loot at Vicharnag Pandit Shri Kanth Khar (W. 65, P:) gave reasons for his opinion that the loot there was independent of the occurrence at the Jail. He said that all the looters came from the direction of Sovra, a suburb of Srinagar and did not come from the direction of the Jail. The loot there also started at or after 2-30 P. M. and it is probable that news of the firing and deaths of the Mohammadans at the Jail had already arrived at the Vicharnag quarter to excite the Mohammadans. It is quite true that only the Mohammadans present at the Jail did not commit the loot at various quarters in the city. They must have been joined by other gangs induced to take part in the loot by reason of the news received of the Jail occurrence. It may, however, be safely concluded that excited mob of rioters at the Jail, in their progress to the city, themselves looted and induced other Mohammadans to loot. Unfortunately no one in authority had imagination enough to visualize what would happen when the excited mob of the Jail passed through the city. The Governor was concerned only with his own difficulties of the time and we think that the Inspector-General of Police is blessed neither with imagination nor intelligence. This officer played a very sorry part on the 13th of July. This executive Head of the police and principally responsible for order in the city was no-where in evidence prominently on that memorable day. He himself admitted before us (W. 2, P:) that though theoretically he was executive Head of the Police all powers were centred in the Police Minister. He had alarming news on the morning at 8 A. M. of the probable doings at the Jail. He accepted the word of the Deputy Inspector-General that usual Police arrangements would be made but made no enquiry as to what the arrangements would be nor did he take any action himself. He rushed to his usual shelter of refuge Mr. Wakefield. He arrived at the house of Mr. Wakefield at 10-30 A. M. and, inspite of the alarming news of probable occurrence, which he had received in the morning, he remained at that house idly waiting for the Police Minister until 12-30 P. M. Then he went to his office at Shergarhi again in hope of finding the support of the Police Minister, who was expected there at 1 P. M. to a meeting of Ministers. The Deputy Inspector-General informed him of the alarming telephone message received from the Jail but he was satisfied with an assurance of the Deputy Inspector-General that there was no necessity for any further action.

About 2-15 or 2-30 P. M. he received a phone message from the Jail from the Deputy Inspector-General of Police of an attack by the mob on the Jail, that there was little ammunition remaining with the Police, that the Jail was surrounded and that there was danger of the mob entering the Jail unless help arrived. The telephone communication was cut off at this juncture. He informed Colonel Rehmat Ullah Khan, General Staff Officer, to get cavalry and regiment ready. Colonel Rehmat Ullah Khan was in the same building where the Police office is situated. He again tried to phone to the Police Minister but without success. Then he drove to the Police lines and sent some police from there. About 2-50 P. M. he received a message that Maharajgunj was being looted and that the mob was proceeding towards Shergarhi (Your Highness' Palaces). He took 10 armed men to Kani Kaddal where he received definite information of the looting of Maharajgunj. Instead of rushing to Maharajgunj where he knew no officials were present, he goes to Jail for which place he had heard that cavalry and regiment had started. Of what use he would have been in addition to cavalry and regiment is not apparent and he failed to realise that his presence at

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Maharajgunj at the time when that place was devoid of all authority was essential. Though the Police Minister Mr. Wakefield denied such an estimate of his Inspector-General of Police when the question was put to him by the Chairman, there can be little doubt that the Police Minister sized up the capacity of the Inspector-General of Police by ordering him at the Jail to arrange for the conveyance of the military to Maharajgunj. It is the height of topsy turvydom when the executive Head of the Police at the time of great disorder in the city should be only fit to have his services utilized in collecting lorries and despatching military to the scenes of terror and sorrow. Even when he ultimately reached Maharajgunj at 4-45 P. M. he was of little use either as a help or in making observations as to what had happened. In answer to a question by the Commission he admitted that he did not enter a single shop in Maharajgunj to find out whether any loot had been committed there or not.

Hindu loot
After the Mohammadans had looted Hindu shops and houses it is alleged that the Hindus took revenge by looting Mohammadan shops and houses. This is a matter for Law Courts to decide. We have not entered into any enquiry into the matter whether Mohammadan shops and houses were looted subsequently by Hindus or not. The Mohammadans have complained to the proper authorities and they may prove their cases in Court of Law. We consider this matter to be outside the scope of our enquiry, which relates to the original disturbances and the means adopted to anticipate or deal with them. The Hindus turning round on the Mohammadans and taking revenge, if the Mohammadan allegation be true, is quite a different phase and can only be dealt with by Law Courts. If we held an enquiry into the Mohammadan allegations, we would be inquiring into individual cases, and not making an enquiry in the abstract about any particular rising or communal action. We are, however, concerned with one matter, the allegation made by Mohammadans that the military were concerned in helping the Hindus. We are satisfied that this allegation is fabricated merely to bring discredit on the military, who saved the situation and prevented the Mohammadans from committing further depredations. In our opinion these allegations are made with a view to escape the employment of the military if there should be any subsequent similar occasion. We were not in a position to cross-examine the witnesses but some of the witnesses have given themselves away completely in details and proved themselves to be liars. It appears that the unruly populace is particularly afraid of the cavalry so attempt is particularly made to throw discredit on them. One Dr. Noor Din Khan of the City Dispensary at Srinagar (W. 108, P:) deposed that his house was attacked by Hindus with the help of cavalry men. This was on 13th of July. In giving the details he definitely stated that the cavalry carried guns and in fact pulled the triggers of unloaded guns to frighten the Mohammadans. Maulvi Noor Din Qari (W. 109, P:) deposed that a cavalry man arrested him without cause. He even said that the whole picture was before his mind's eye that the cavalry man carried a gun with a bayonet fixed to it. He also deposed to an occurrence of the 13th of July. It is certified by Brigadier Sutherland (Ex. 131) that the cavalry did not carry any rifle during the occupation of the city. The story, therefore, of these two Mohammadan witnesses showing the misdeeds of cavalry men carrying rifles and bayonets attached to those rifles are pure inventions. What Maulvi Noor-ud-Din Qari was looking at in the witness box was not a picture of what had actually happened but of a figment of his imagination.

corroborating information

There were several firings by the military on necessity arising.

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The result of only one firing that of Nava Bazar is, however, known. Subedar Attar Singh (W. 22, P:) Nayak Onkar Singh (W. 23, P:), Sepoy Abhey Singh (W. 26, P:) and Sepoy Glodu (W. 27, P:) have described the incident how they were attacked by a crowd from both sides at a narrow bridge across the *nala*, how the rifle of one sepoy was caught by some of the crowd and how they were compelled to fire. One Mohammadan was killed and two were wounded. The City Magistrate who met the wounded persons made no inquiry from the wounded persons as to what had happened. There is the testimony of one Mrs. Thakur Das (W. 105, P:) that the sepoys fired without any cause. She put in a written statement (Ex: 120). She has stated that a military man opened fire on a man who had taken to his heels and was running away and also at a water-carrier who was merely going across the bridge. It was fortunate, however, that soon after the occurrence Brigadier Sutherland questioned her and she stated to him that the crowd had thrown stones at the troops and that was the reason why the firing had been made. Brigadier Sutherland made this statement on oath (P:). The woman denied having made such a statement and there can be no question as to whose word preference should be given. It appears from a letter of Colonel Hugo, Head of the Medical Department (Ex: 130), that this woman was employed in the Medical Department and was given a temporary post for which she had no qualifications. When she was reverted on the ground of incapacity she resigned and possibly she has borne a grudge against the Government. It may also be that she may be hoping to improve her practice as a midwife in a Mohammadan neighbourhood by making a statement to bring discredit on the military as is the desire of the general Mohammadan public to do. We are satisfied that Mrs. Thakurdas has not told the truth. Brigadier Sutherland, an officer of long experience not only in the army but in similar situations of Military Troops in occupation of civil areas, stated his conviction that the discipline of the troops in the city was exemplary (P:) and we believe that the Chairman was not too previous in adding his comment that the Commission also had come to that view after hearing the evidence.

There was another unhappy incident of the fingers of a Gujar boy being blown off within the Military lines. The boy at first alleged that he was shot at by a sepoy, that he put up his hands and that was how his fingers were blown off. He subsequently said that a ghost had done it and finally that he was hitting something with a stone when it exploded. These three different statements he made to Brigadier Sutherland. The last statement appears to be true. A dump of old detonators had been blown up in the neighbourhood where the boy was injured and it is probable that a detonator remained alive and exploded on its being accidentally hit by the boy. The allegation was not made against any Military man in occupation of the city, still we have considered the matter because of the excitement which it caused among Mohammadans at the time. The boy and his father were summoned but did not appear and we were informed that no note was kept of the nature of the boy's injuries at the Hospital, where the boy's hands were bandaged.

After this decision of facts we shall proceed to essay the task which Your Highness has set us.

CIRCUMSTANCES LEADING TO RECENT DISTURBANCES.

We consider the principal cause of the recent disturbances to be tolerance given to unlawful Mohammadan agitation in Jammu during the absence of Your Highness in Europe. A Mohammadan witness General Samander Khan was also of that opinion and blamed Government for weakness in not taking prompt measures to suppress the agitation (P:). He and two other Mohammadan witnesses Mirza Ghulam Mustafa and Col. Ghulam Ali Shah have definitely stated that unless preachings exciting communal hatred in mosques and temples are stopped with an iron hand the present communal tension will not end, to use the words of the Mirza, till eternity. The history of grievances of Mohammadans relates back to 1924 and has been traced in great detail by the Hon'ble Finance Minister, Mr. Wattal W. 81, P:) in his statement before the Commission. The first expression of the dissatisfaction of the Mohammadans was given in a memorial presented to the Viceroy Lord Reading when he came to Srinagar in 1924. The main complaint in that memorial was about the small number of Mohammadans employed in State services and the demand was that the employment should be proportionate to the population about 95 per cent. A committee of three members consisting of a European, a Hindu and a Mohammadan examined the memorial and reported that there was no substance therein. Some of the memorialists were punished by Your Highness' predecessor and nothing tangible was done in pursuance of the memorial. In 1926 the Kashmir Moslim Conference with Head Quarters at Lahore had taken up the cause of the Mohammadans of Kashmir and approached Your Highness in the early part of 1926 to submit a memorial but this request was disallowed as it was made by outside Mohammadans regarding the grievances of Your Highness' own subjects who had every opportunity to represent their grievances to Your Highness direct at any time. In January 1927 the definition of a Hereditary State Subject was formulated and under the terms of that definition Kashmir Mohammadans domiciled in the Punjab were debarred from entering State service or from holding immovable property as also from the right to sell or transfer immovable property held by them to non-State subjects. The Moslims of the State believed that as they had not attained a high standard of education, the number of Mohammadans in the State services would be still further reduced when the entry of outside Mohammadans was precluded. The policy of confining appointments in public service to hereditary State subjects was not left to adjust itself but Your Highness appointed for the purpose of educating your subjects the Scholarships Selection Board about the middle of 1927. The idea of proper representation of different communities in the public services was not kept in mind at the time but the aim was to train hereditary State subjects to replace outsiders as the occasion arose. The complaint of the Mohammadans was that there was no Mohammadan on the Board which was composed of a Hindu, a European, and a Brahmo who was a retired member of the Indian Civil Service of a certain distinction. When merit was the only test it naturally happened that out of 12 scholarships granted during the year 1927 only one was allotted to a Mohammadan. This award was bitterly resented by the Mohammadan Associations both in Jammu and Srinagar and several representations were addressed to Your Highness on the subject. In 1928 when Your Highness proceeded to England in connection with the work relating

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to Indian State Committee, a Cabinet was formed to conduct the administration in Your Highness' absence. No Mohammadan was selected as a member of the Cabinet. In April 1929 one of Your Highness' Ministers, Sir Albion Banerji retired from State service in a somewhat unpleasant mood and gave an interview to the Associated Press at Lahore. It considerably increased Mohammadan agitation. The expression used by him of the Mohammadans of the State "as dumb driven cattle" has been repeated though without support of any evidence, ever since by Mohammadan agitators. It may be said in passing that Sir Albion Banerji had at no time during the two years that he was actually in office here as the Senior Member of Council, either officially or informally, drawn the attention of the Government to what he called the deplorable condition of the Mohammadan subjects of Your Highness either politically or economically. The Mohammadan agitation of this year 1929 led Your Highness' Government to reconsider the policy with regard to recruitment to the State service, and the Scholarship Selection Board has since then worked on an understanding that in the award of scholarships Mohammadans should receive half share. Recently Your Highness merged the Scholarship Selection Board into a Civil Service Recruitment Board of which there is at present a Mohammadan Member. Mr. Wattal has narrated the history of a memorial given to him for presentation to Your Highness in the summer of 1929. General Samander Khan (W. 90 P:) and Sheikh Abdul Aziz (since deceased) gave the memorial to Mr. Wattal who was the Minister-in-Waiting. There is divergence of details in the statements of Mr. Wattal and General Samander Khan on the subject but there is agreement between them on the point that Mr. Wattal conveyed to General Samander Khan Your Highness' assurance that Your Highness was sincerely anxious to take as many Mohammadans as possible in the public service consistently with efficiency. They agreed that no percentage need be declared and it would be better to arrive at a private understanding. The understanding was that the Recruitment Board will make appointments as far as possible of 50 per cent. Mohammadans to the State service. It was in pursuance of this memorial that Mr. Wattal prepared a scheme for the appointment of a Recruitment Board which was accepted by Your Highness. The scheme was submitted to the Scholarship Selection Board for report but the report was not received by Your Highness till August 1930 when Your Highness was preparing to leave for England to attend the Round Table Conference. The scheme was sanctioned then and one of the objects of the appointment of the Civil Service Recruitment Board was declared by Your Highness to be adequate representation of different communities in the Civil Service. The scheme was devised by reason of the memorial presented by the Mohammadans in 1929, but unfortunately it created great agitation among them as soon as it was announced. The Mohammadans objected to the rule of appointment at the ages of 21 and 23 and also to the three channels of appointment, promotion, nomination and competitive examination. Mr. Wattal has stated that he was disappointed when the Mohammadan gentlemen with whom he had discussed the scheme in all its details, took no steps whatever to acquaint their community of the inner meaning and purpose of the scheme. They failed to assure the Mohammadan public of the intention behind the scheme, that an attempt would be made to give 50 per cent. appointments to the Mohammadans. In spite of this action taken as a consequence of the memorial of 1929, it was generally asserted by Mohammadan agitators that the memorial of 1929 was kept back from

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Your Highness and no action was taken thereon. The Commission considers it unfortunate that there was only the secret understanding and Your Highness' sympathy and favour towards Mohammadans were not publicly declared. We are afraid that the days are gone by when an individual or set of individuals could permanently influence public opinion. The leaders of today will not be the leaders of to-morrow and an understanding with one set of leaders may not be accepted by another set.

During Your Highness' absence the younger leaders of the Mohammadan community presented a memorial on 11th September 1930 and a reply was given by the Cabinet on 28th January 1931. This reply was considered unsatisfactory by the Mohammadans, and the Mohammadan agitation increased still further.

We are of opinion that the Cabinet took no effective steps to put down this agitation. Mr. Wakefield has stated in his confidential written statement (Exhibit 70) that His Highness' Government met a persistent policy of vilification by Mohammadans with an attitude of philosophic calm and a policy of Laissez faire combined with an endeavour to do the right thing by the Moslim community. In these days of publicity and propaganda it is not enough to do the right thing but also to proclaim it and to put down those who mislead public opinion with a strong hand. The Youngmen's Mohammadan Association of Jammu continued a vigorous agitation of vilifying the Government and exciting against it the hatred of the Mohammadans but the Association was not put down. The meeting of the All India Kashmiri Moslim Conference held on 26th December 1930 was particularly virulent, and all its dogmas were adopted by the Youngmen's Moslim Association of Jammu. The paper "*Inqalab*" and after it was proscribed "*the Kashmiri Musalman*" kept up agitation against Your Highness' Government and both had a long run before they were proscribed. General Janak Singh another Minister (W 73, P:) was of opinion that administration and State policy were two different matters and what may be right for an administrator to do may not be suitable for action by a politician. Mr. Wattal's opinion was that the Kashmir Government was always nervous of going contrary to Indian public opinion in dealing sternly with the Mohammadans as it felt it was in the position of a step mother whose action towards a step-child would be criticised by the public with far greater severity than that of a mother towards her child. Sardar Thakur Kartar Singh (W. 91, P:) was the only member of the Cabinet who was its Secretary, who firmly stated that the policy of delay in dealing with Mohammadan agitation was wrong. Mr. Wakefield and General Janak Singh pointed to the fact that the Youngmen's Mohammadan Association has not yet been dissolved. We do not think that to be a sound defence of the Association not having been suppressed at the very beginning in the commencement of this year. To quote the well-known lines of Sa'di

"Darkhte ki akrun girftast pai, Ba nerue mard bar ayad ze jai.

Wagar hamchunan ruzgari hili, Bagardoonash as bekh bar nagsali."

It was a great misfortune that certain incidents happened which were purely accidental and yet considerably fanned the flame of agitation and secured for it the support of the ignorant Mohammadan masses. On 29th April occurred what is known as the

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Khutba incident at Shalmar Bagh in Jammu where during *Id* prayers Babu Khem Chand, Sub-Inspector of Police, who was on duty there warned the officiating Maulvi who was reading the *Khutba* that he will not allow a lecture to be delivered there. This act of the Inspector was foolish but the incident was greatly exaggerated and a religious turn was given to it. Certain Moham-madans prosecuted the Sub-Inspector of Police under Section 297 I. P. C. for disturbing a religious assembly. The Additional District Magistrate Pandit Thakur Das in his judgment exposed the un-truthfulness of several of the details of the incidents alleged by Mohammadan witnesses. This judgment however did not put an end to this misrepresentation and the easy cry of religion in danger was raised. Unfortunately this incident was followed by the incident known as that of Tauhini Koran on 4th July 1931. Mr Wakefield was deputed by Your Highness to go to Jammu and hold an enquiry. In that enquiry it was definitely proved that there had been no Tauhin. General Samander Khan (W, 90, P:) admitted as much. A Head Constable had in anger thrown away the bedding of a Constable which had in it a copy of the Panjsura Sharif. The Head Constable had no intention of injuring the religious feelings of the Mohammadan Constable. In spite of this enquiry, it was asserted by Mohammadan agitators that Mr. Wakefield admitted at the conclusion of the enquiry that Tauhin had been committed and some of them even charged Mr. Wakefield to his face that he had given expression to that opinion in Jammu and changed it on arrival in Srinagar. There is considerable difficulty in dealing with these so called leaders because they are ready enough to change their attitude and speech according to circumstances. Your Highness in Council decided that as a result of the enquiry the Mohammadan Constable who made the false allegation and tried to stir up communal strife should be dismissed and the Head Constable who lost his temper and acted in a manner unbefitting a Police officer should be compulsorily retired on pension. Two Mir Waizes were summoned to the Council and informed of this decision; they expressed their entire satisfaction at the result and promised to acquaint the Mohammadans of these glad tidings. Apparently the Mohammadans outside were not appeased by these tidings and one of the Mir Waizes immediately turned round and alleged that the Council had promised to dismiss both the Head Constable and Constable and had gone back on the decision after the Mir Waizes left the Council. The Chairman happened to be present at the meeting and told one witness Pirzada Ghulam Rasool (W 87, P:) what he thought of the conduct of this particular Mir Waiz P:). This matter of the alleged Tauhini Koran was used as a slogan to excite the Mohammadan masses who without any scrutiny believed that the Government had of set purpose insulted the Mohammadan religion. At the critical moment Srinagar was not lacking in unfortunate incidents. On 29th June surprisingly coincident with Mr. Wakefield's return from Jammu after the Tauhin enquiry, some leaves of a holy Koran were alleged by a Mohammadan to have been found in a public latrine in the city here. Without any inquiry the Mohammadans raised the cry of insult to Mohammadan religion by Hindus. Nine days later on 29th June, the dead body of a poor raped little Pandit girl was found in a drain. The Hindus were as hasty as Mohammadans were in the case of the holy Koran leaves in attributing the crime to a Mohammadan. As usual the Police was found wanting and the perpetrator of the horrible crime (we shall not say brutal as it would be a calumny of a brute) was never

Hindu grievances

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traced. These incidents raised social hatred to even a greater height than was reached under communal preachings in mosques and temples.

It is true that the agitation in Jammu was given a religious bias on and after the 29th of April 1931 and the Cabinet was on that account in a difficulty in dealing both with this agitation and the Youngmen's Mohammadan Association. We are of opinion, however, that there had been ample evidence prior to the 29th April 1931 to take severe action with respect to this Association, either by suppressing it or putting it on terms. The Cabinet Secretary in his letter No. 392, dated 30th October 1930 wrote to the Political Minister and enclosed a copy of an extract from the proceedings of the special meetings of the Youngmen's Mohammadan Association, Jammu, held on 29th September 1930. The Secretary requested the Minister to intimate for the information of the Cabinet whether under the terms of its constitution this Association was justified in holding such meetings and discussing such matters. Both the Deputy Inspector-General of Police, Jammu, in his letter No. 259/C of 19th December 1930 and the District Magistrate of Jammu in his letter No. 1402 of 27th December 1930 informed the Inspector-General of Police that the Association was not justified in giving expression to such views. The Inspector-General of Police in his secret letter No. 835, dated 16th February 1931 advocated to the Political and Police Minister that steps may very kindly be taken to dissolve the Association as early as possible as already recommended in his previous letter of 10th January 1931. There was sufficient material, therefore, even prior to the 29th of April 1931 to suppress this Association which laid the foundations of all subsequent agitation both in Jammu and in Srinagar.

The mishandling of the Jammu deputation when it arrived in Srinagar may be considered to be another cause for the explosion of the 13th of July. Mr. Wakefield while at Jammu promised audience by Your Highness to a deputation of Jammu Mohammadans. Such a deputation arrived in Srinagar and was kept hanging here without a date being fixed for audience of Your Highness. This was a step fraught with great danger because opportunity was given for the agitation, which had been permitted to mature in Jammu, to take root in Srinagar also. There is a strange conflict of evidence as regards selection of representatives in Srinagar. The Governor that is District Magistrate stated that he was directed by Mr. Wakefield to give the local Mohammadans of Srinagar an opportunity to select their representatives. He thereupon got 10 local leading Mohammadans together and asked them to advise the people not to make violent speeches and to assure them that Government will enquire into their complaints. (P:). Mr. Wakefield definitely stated (P:) that he never told the Governor to see that the Mohammadans of Srinagar selected their representatives. One can understand what steam would be engendered by the coming together of the Mohammadan agitators of Jammu and Kashmir and how it would lead to an explosion without scope for its escape. The Governor definitely stated that the delay in giving audience to these representatives created a bad impression on the Mohammadans and gave the agitators an opportunity to seduce the masses into the belief that the Government was not prepared to listen to their grievances. It appears that after Mr. Wakefield had collected this combustible material in Srinagar, the Hindus started an agitation that their grievances also should be heard, and on his

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advice the Government decided that representation should not be accepted from either community until that particular community stopped political activities. Mr. Wakefield had the impression (Page:) that this decision was taken by the entire Council without any recommendation of his while Mr. Wattal's impression is that it was on Mr. Wakefield's recommendation that such an attitude was adopted by Government. However it may be, the decision was an unfortunate one and had the representatives been heard and the Jammu representatives sent away on their business, possibly the agitators of Srinagar alone would not have been able to excite the masses to the pitch to which the combined efforts of the agitators of both places succeeded in doing. It was for this reason because the Mohammadans were in a sullen mood that Your Highness' gracious message to Your beloved people delivered on 9th July 1931 by the Governor at the Exhibition grounds failed to produce the effect which it would otherwise have done. When such a great show was made to select representatives of both the Provinces in order to give them an opportunity of laying their grievances at Your Highness' feet and subsequently the opportunity was denied the Mohammadans were in the nature of things in a suspicious mood and ready to cavil at what on the face of it appeared to be a gracious message. The belief was engendered by previous action of the Government that what was promised would not reach fruition and the Mohammadans were in a mood to suspect that the message which promised in the word would be broken in the deed.

There has been evidence before us that after Your Highness' departure for England in September 1930, the Members of the Cabinet appointed to represent Your Highness did not pull as one team. Some of them seemed to be suspicious of one another. The Members of the Cabinet were General Janak Singh, Mr. Wakefield, Mr. Wattal and Thakur Kartar Singh Ji who was also Secretary of the Cabinet. Definite allegation has been made before us by Mr. Wakefield that Thakur Kartar Singh Ji had employed one Gwash Lal, (W 33, P: .) to write against him. He also suspected that this Gwash Lal, was in touch with Mr. Wattal whom he went to receive at Bombay on his return from Europe. After Your Highness' return from Europe when Mr. Wakefield went to Mr. Wattal's house he noticed Gwash Lal hiding behind a bush which raised the suspicion in his mind that Gwash Lal's visit to Mr. Wattal was one to be kept secret from him. Mr. Wattal denied Gwash Lal's reception of him at Bombay and Thakur Kartar Singh Ji has denied having instigated this man to write against Mr. Wakefield. Thakur Kartar Singh Ji believed that Mr. Wakefield had employed one Hissam-ud-Din who strangely enough turned up before the Chairman and offered to give evidence a few minutes after the Commission had closed recording of evidence. Thakur Kartar Singh Ji believed that Hissam-ud-Din was employed by Mr. Wakefield to spy on Hindu Ministers. The Commission is not concerned with the truth or otherwise of these allegations. Gwash Lal volunteered to make a statement at the proper time and he was examined by the Commission in detail. He made a reference to certain letters written by Hissam-ud-Din for perusal by Mr. Wakefield. Thakur Kartar Singh Ji stated that he got possession of these letters and the Hon'ble Prime Minister sent them to us for persual. There was however no proof available as to who wrote them whether they were genuine or not and whether they were ever perused by Mr. Wakefield.

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There appeared before us two witnesses Samad Sheikh (W. 88, P:) and Abdul Aziz (W. 89, P:) who gave evidence in camera, which would lead to the inference that Mr. Wakefield supported Mohamman agitation. We also received a statement of a pleader of Anantnag recorded by the Munsiff Magistrate of that place. We did not think it necessary to call that witness and record his statement because he had heard only second-hand through Maulvi Abdul Vakil that the Mohamman agitation had the support of Mr. Wakefield. On the evidence before us it is not possible to come to any determination as to the truth of the allegations because every witness has spoken separately of separate incidents and there is no test as to the truth of the statement of any particular witness by comparison with evidence of other witnesses as regards the same incident. We have however mentioned all these suspicions to indicate that the Members of the 'Cabinet in Your Highness' absence during end of last year and commencement of this year were not a happy family on relations of trust and confidence with each other. We particularly asked General Janak Singh (W. 78, P:) against whom no aspersions were cast, whether in his opinion the Ministers were working in harmony during the absence of Your Highness in Europe and he replied that the resolutions of the Cabinet were unanimous and so to outside appearance there was harmony between the Ministers but he did observe that Mr. Wakefield and Thakur Kartar Singh Ji had suspicions of each other. According to this witness difference had arisen between Mr. Wakefield and Thakur Kartar Singh Ji even before Your Highness left for Europe while the latter was State Secretary and Mr. Wakefield believed that a certain proposal of his for the promotion or appointment of a particular Mohammandan Municipal employee had been turned down by Your Highness under the influence of Thakur Kartar Singh Ji. When the Members of the Cabinet or at least two of them had no confidence in each other the administration naturally suffered. For part of the time while Mr. Wattal was away from India only three Ministers represented Your Highness' authority in Your Highness' State; discordance between two out of three was then a more serious misfortune than discordance between two out of four.

Your Highness' laborious and regular daily work of administration obviated the necessity of another administrative Head of the State but with Your Highness' departure that unity of thought and action was removed and succeeded by discordance and want of harmony which was most unfortunate.

To sum up, we consider the circumstances which led to the recent disturbances, to be Your Highness' forced absence from the State on State business in September 1930, want of harmony in the Cabinet, tolerance of Mohamman agitation through Jammu Association and papers printed outside the State, the help given to the local agitation by outside Mohammandans, the tragic and accidental happenings of the Khutba, Tauhin Koran and Srinagar incidents which gave the agitators an opportunity of influencing the mass mind and the mis-handling of the Jammu deputation which was brought here from Jammu.

So far we have dealt with immediate circumstances leading up to the disturbances of the 13th of July. We must probe the matter further and enquire what the just grievances of the Mohammandans are. There can be no doubt as Mr. Wakefield has said

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in his written Statement (Exhibit 70, P: 336) that the campaign of vilification of the Government was stage-managed principally by a handful of discontented persons who were disgruntled because they had not succeeded in obtaining highly paid appointments in the State which in their own estimation they were fit to occupy or had lost such posts on account of their sheer inefficiency or worthless character or because for one personal reason or another they felt aggrieved against Your Highness' Government. The agitators put forward a long string of what they called "Mutalibat" (demands) but there was a remarkable exposure of the hollowness of most of these demands before the Commission.

One Ghulam Kadir Kapra (W. 96, P:) of Sri Ranbir Gunj Bazar, a well-to-do trader, came forward to give evidence with respect to the grievances of the Mohammadans. He started his written statement with the words "although the Muslim public have expressed their unwillingness to co-operate with the Commission, I as a liberal minded subject beg to speak of the following facts" He deposed to preachers like Mr. Mohammad Abdulla giving very laudable lectures in the desire that the Mutalibat of the Mohammadans may be granted. The question put to him in oral examination was that he would be kind enough to enlighten the Commission what the Mutalibat were. All that he could suggest was (1) freedom of religion (2) proportionate representation in the services that is in proportion to the population. When he was asked what in his opinion were the obstructions placed in the way of his following the dictates of his religion, he answered (1) that it was enacted that if a Hindu turned a Mohammadan his property would go to collaterals and not remain with him and (2) that certain mosques were not open to prayers and were treated as ruins and kept in charge of the Archæological Department. He definitely added that he did not know of any other obstruction. It is clear therefore that when a well-to-do business man like him has no knowledge of other demands the other demands put forward by the agitators are merely engineered in order to lend further support to the claim for a larger number of offices in the State. It is most significant that this well-to-do trader did not allege that there was any interference made in the saying of prayers in mosques or that the Hindus were guilty of dishonouring the holy Koran. It did not strike him at all to mention the Khutba and Tauhini Koran incidents, which have been made so much of to inflame the minds of the Mohammadan masses. We have collected them from various sources and shall examine the Mutalibat (demands) of the present day leaders of the Mohammadan one by one, we shall then determine what substance there is in them.

Before we proceed to such an examination we consider it fitting that we should give a list of the beneficent measures passed by Your Highness' predecessors and by your Highness for the amelioration of the condition of the agriculturists, who are Mohammadans in the main, though we realise that such a parade of Your Highness' wise acts of State may not be pleasing to Your Highness:—

1. There are no Civil Court vacations in the State but in the interest of Zamindars it has been ordered that during harvesting seasons from 15th Jeth to 15th Har in the Province of Jammu and from 10th Katik

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to 10th Maghar in the Province of Kashmir, the institution of civil suits shall be suspended with the benefit of one month in the period of limitation.

By virtue of orders issued on the 23rd of Katik 1962 S. the Zamindars have been protected from arrest in execution of civil court decrees during periods of agricultural operations when their personal services are essential in their fields.

In the execution of decrees passed by civil courts the Zamindars have been treated with consideration which is not afforded to agriculturists anywhere in British India and possibly not in any other Indian State. Not only the residential house and houses used for agricultural purposes with the materials thereof and the land immediately appurtenant thereto that has been exempted from attachment and sale in execution of a decree, as in British India, but also *Araziat Maqbuza Assamian Mourusi wa Malikan* houses of Kamins, and such portion of the house sought to be attached as may be required for the residence of the widow of the judgment debtor, *gharat* and *sandug shali*.

In British India after the passing of a decree a civil court is precluded from ordering payment of the amount decreed by instalments; in this State however it has been enacted that payment of the decretal amount may be postponed and instalments fixed even without the consent of the decree holder for reasons to be recorded by the Court. This is the general law of the land in contradistinction to the special legislation to which reference will be made hereafter.

The last two benefits were indulgences granted by Your Highness.

2. In all abnormal times when the country or any large portion thereof is visited by flood or famine or other calamity, steps are taken not only to suspend or remit land revenue and give Taqavi advances but the execution of decrees passed against the Zamindars is also suspended for a certain period of time. Your Highness has only a few days ago directed that no execution of any existing decree shall take place for a whole year against the agriculturists residing in the areas which suffered from the recent floods.
3. The Silk industry by which is meant the rearing of cocoons has been introduced in the State with the object of ameliorating the condition of the agriculturist classes. Early in spring in the Province of Jammu when Zamindars are not occupied in agricultural operation and later in the Province of Kashmir seeds are distributed to the Zamindars free of cost and the cocoons, reared by them are purchased by the State. The value of these transactions amounts to lacs of rupees. It will be noticed that the payment is a gift

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to the Zamindars who have not to spend a single pie to earn this addition to their income. They can have leaves of the mulberry trees free of cost and the cutting and destruction of these trees are prohibited and the trees are specially preserved by the State to support this industry. The number of agriculturists who take advantage of this State industry in the two Provinces is very large.

4. The Regulation saving land from alienation has been enacted in order to preserve the ownership and the cultivation of land with present agriculturists who are in occupation of land.

Under orders of Your Highness the work of consolidation of agricultural holdings has begun and is progressing.

5. Your Highness' Regulation of 1933 S. for the relief of agriculturists has saved thousands of Mohammadan agriculturists from the meshes of Hindu money lenders. Except in very small areas, this blessing has not been conferred on the agriculturists of Punjab and United Provinces.

6. It has been Your Highness' constant endeavour to wipe out agricultural indebtedness by every legitimate and practical manner possible. With this view large sums have been spent by the State on the Co-operative Credit movement.

7. It would be safe to declare that during the short period of Your Highness' rule *Begar* in every form has ceased to exist in the State. No forced labour is permitted and even in those extremely rare cases of foreign missions or expeditions where special arrangements have to be made, full payment at prescribed rates which are always liberal, are made to the Zamindars not only for the time he works as a labourer but also for the periods spent in going from his house and returning thereto. This stern attitude of Your Highness to favour the poorest of Your Highness' subjects raised a certain amount of criticism from visiting *shikaris* and on a certain public occasion Your Highness openly declared that Your Highness saw no reason why visitors to the country after big game should not "foot the bill".

8. In the very first public Durbar held on the 25th of February 1926 to celebrate the completion of the religious rites consequent on Your Highness' accession to the *gadi* 11 separate boons were announced. Out of these six were general while five were for the benefit exclusively of the Zamindars. All royal conifer trees growing on agricultural land were made over to the land holders without any charge for use though not for sale. Dead and fallen timber could from that date be removed by the villagers throughout the year instead of only during a quarter portion thereof as was the previous practice. All *Khalsa* land belonging to the State were made over to the village to which it

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- appertained as *Shamilat Deh* (common village land). Timber required in villages for Primary School buildings was to be granted by the State Forest Department free of cost. The land in *Bhayachara* villages does not from that date revert to the State as *Galwand* but forms part of the *Shamilat Deh*. The villagers of other villages were given preferential rights of purchase of land.
9. Under Your Highness' orders the period during which assessment of land revenue was to continue has been doubled. The next settlement is not to take place before the expiry of full 40 years.
 10. Nothing could more clearly and convincingly show the regard of the Ruler of the State for the improvement and the welfare of the Zamindars as the enactment of the law relating to Wad-transactions as contained in the revised Kashmir Grain Regulation of 1978 S. We may quote Section 8 of the Regulation. "No condition in any contract to repay in kind a loan of money now existing or hereafter advanced between the Waddar and his debtors shall be enforceable." The investigation and settlement of Wad-debts was left to a Bench consisting of one judicial and one revenue officer whose decision was final except in the case of a difference of opinion when a reference was made to the Wazir Wazarat. No court fee or stamp duty was leviable during proceedings before the Bench or the Wazir Wazarat.
 11. The establishment of the Kashmir Valley Food Control Department is another expression of the great regard which Your Highness and Your Highness' predecessors have had for the welfare of Your Highness' subjects. The object of this organization is to stabilize the price of food grains particularly of Shali. From the very inception of the Department it has been the policy of Your Highness' Government not to utilize this institution to make profits but to use such profits as the Department may make for the furtherance of the scheme itself and the benefit of the consumer and the producer in many diverse ways.

There can be no manner of a doubt that ever since the institution of the Department the tremendous fluctuations in the sale price of Shali, due mostly to reckless dealing of grain dealers who purchased large quantities and then hoarded up the same thus fictitiously and to their own personal advantage raising the prices of the commodities, have been put a stop to to the great advantage of both the producer and the consumer, the former because he gets a fixed and reasonable price of which he is certain and the latter because middlemen's profits have been reduced to an insignificant figure in practice.

It is worthy of note that the payment of advances to the Zamindars for the Shali to be purchased are made at a time which is made to coincide with the time of

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payment of land-revenue thus enabling them to pay the same without recourse to money lenders. Even in cases of failure of delivery of *Khush Kharid* Sha'i for which advances have been made such advances are recovered without interest or penalty.

The memorial which was presented by certain Moham-madans to His Excellency the Viceroy in 1924, contained the following demands of a general nature; we shall give our comments on each:—

1. Proprietary rights should be given to the peasants of Kashmir. It appears these peasants enjoy occupancy rights which are not transferable and we are of opinion that, in the present state of education and advancement of the cultivators, any grant of full proprietary rights would be most harmful to them and in a short time the land would be transferred to Hindu money-lenders in the execution of decrees and the Moham-madan occupancy tenants would be reduced to the position of labourers. City dwellers who make such a request have no conception of the harm, we may say, the excessive harm, which the grant of such a request would cause to the Mohammadan agriculturists.
2. There are certain observations made as regards the private department of the Ruling family. Here also the only contention of the memorialists was that more posts may be given to Mohammadans in the private department. It is well known that Mohammadans occupy high positions in Your Highness' private department and no such complaint can now be brought against that department.
3. This relates to a desire that a larger number of Moham-madans should be employed in State service. We shall consider this point separately. The grievance of paucity of employment is a legitimate one. We shall, however, show later on how far Your Highness has attempted to reduce this disproportion of employment. In the memorial this question is broken up into various heads, such as, demand for employment of a Mohammadan Governor of Kashmir, stopping of future recruitment of Hindus in all grades of service, the increase of the Muslim element in the constitution of the Council and the importation of outside Mohammadans if local Mohammadans in sufficient quantity of the requisite merit are not obtainable.
4. Observations are made in the memorial as regards Sericulture and Shali departments. In our opinion these two departments do an enormous amount of benefit to the agriculturists and this was admitted by the memorialists themselves before the Committee appointed in 1924 to inquire into the grievances contained in the memorial. We have absolutely no doubt that the abolition of these two departments would cause great sorrow to agriculturists as a whole. We have explained above

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the benefits of these two departments and in reality the complaint reduces itself to the usual one, that is, that a sufficient number of Mohammadans are not employed in these two departments.

5. Steps should be taken to improve the condition of Mohammadan education in the State. The appointment of an educational expert was suggested. It appears that such an expert was appointed but no one appears to be aware of the nature of the report submitted by him. We have made our recommendation in the proper place as to how the Moslim education in the State may be advanced. It appears to us that Your Highness has taken every possible step for its advancement. Possibly the machinery does not function satisfactorily. It is the business of the individual Minister in-charge of the department to see that the machinery is not clogged and is properly oiled. The question thus is one of personal effort of the Minister in-charge. Your Highness has on Your Highness' part exhibited the genuineness of your desire for the advancement of Moslim education by appointing Mohammadans to the post of the Minister of Education.
6. It was prayed in the memorial that system of *Begar* should be absolutely abolished in the State. We have already indicated how your Highness has succeeded in accomplishing this feat in the face of opposition and criticism.
7. It was suggested that a Legislative Assembly should be constituted in the State. In its proper place we have recommended the constitution of a Board and explained how such a body will serve the useful purpose of ventilating the grievances of Your Highness' Mohammadan and Hindu subjects.
8. The prayer of the memorialists that the work of the Co-operative Department should be extended, has been fully granted by Your Highness already.
9. It was desired in the memorial that forest and other contracts should be given to Mohammadans. It is up to Mohammadans to bring forward any individual cases of injustice, partiality or communal feeling. In the absence of such instances no pronouncement can be made on such a request. Contracts to the detriment of the State at expensive rates cannot be given merely because the offers come from Mohammadans.
10. It was represented that all ruins of Moslim mosques in the possession of the Archæological Department of the Government should be released. We have little doubt that the State will be willing to do so if Mohammadans come forward with a guarantee that the mosques so released would be kept up. There is also the difficulty that claims are made to particular ruins of mosques by several sections of Mohammadans and unless there is agreement between themselves and a joint application is made on behalf of all sections of the Mohammadans it would create trouble and ill-feeling to

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make over certain ruined mosques to a particular section of the Mohammadans when claim is made thereto by more than one section. We suggest that an enquiry may be made in the matter and as many ruins of mosques as possible may be made over to the Mohammadan public provided there is unanimity as to the person to whom any particular mosque should be made over and a guarantee that the building would be kept in proper repairs.

and Before the Commission the witness Abdul Majid (W. 69 P :) gave the following list of Moslim demands :—

1. Freedom of the Moslim Press and platform. The rules as to the freedom of Press are not different for Moslims and Hindus. There is definite statute law on the subject (Jammu and Kashmir State Press and publication Regulation 1971). No details are given as to how this regulation is to be improved. The activities of the Press and of speakers are regulated in every civilised country and if the witness means freedom from any regulation, his real desire is not for freedom but for license, which no Government with any desire to rule can grant.
2. Restriction on the entry of Moslim leaders in the State to be removed. That is a very large order, when there is satisfactory evidence that Moslims outside the State help unlawful agitation in the State. No specific case of restriction is stated for our examination and it would be the height of folly to remove restriction on the entry of certain Moslim leaders of pronounced anti-Hindu and anti-Government opinion.
3. An Assembly may be constituted. We have considered this question in its proper place.
4. The Mohammadans may be granted at least 75 per cent. of posts in the Government service. In its proper place we have shown how Your Highness has taken steps to increase Mohammadan representation in the services and also given our views on the fixing of a percentage.
5. The land revenue be reduced. The witness was unable to give details or comparison of burden per acre with that in British territory. We have no reason to believe that the present assessment is excessive.
6. Proprietary rights be granted to the Zamindars. We have shown already that this suggestion is detrimental to the interests of Mohammadan agriculturists.
7. Concessions similar to those that have been granted to Hindu Gaddis may be granted to Mohammadan Bakarwals. We have no material to arrive at any opinion. It was stated by the witness that the Gaddis are not treated as a criminal tribe and the tax levied on them is smaller than that levied on Bakarwals who are considered a criminal tribe. We have no statistics to satisfy us that Gaddis are as determined criminals as Bakarwals. If there is

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difference of tax there may be reason for it. The matter however is one which may be enquired into by the department concerned.

8. Complete religious freedom. We are fully satisfied that Mohammadans enjoy complete religious freedom in the State and there is no manner of obstacle to the performance of their religious rites so long as they are observed without a danger of the breach of the peace.
9. Entry of the Mohammadan boys in the Rajput Training School. This matter has been dealt with in its proper place and we have explained why admission to the School is restricted to Hindu Rajputs and have recommended the starting of a Nobles' School for every other community as early as conveniently may be.
10. Mohammadans may be recruited in the Cavalry and Body-Guard. Recruitment to the Body Guard must of necessity always be at the entire pleasure of the Ruler and we have not been informed of the restriction to the recruitment in the Cavalry.
11. Solution of the question of labour. This is a very large question which has grown in difficulty not through any acts of the Government but by unrestricted breeding among labourers. When there is no restriction in population according to the Malthusian theory and a civilised Government of the present day considerably reduces the death roll under calamities, it must cause hardship in time when twice or three times the population has to obtain sustenance from the same area of land. Much of the difficulty in British India is also due to the enormous increase of the population with parallel prevention of destruction through calamities of nature.

We grant that this question of providing work particularly during the severity of winter to the ever-growing number of agricultural labourers of the Province of Kashmir is a very serious one. It can be tackled by peaceful means and reliable and practical suggestions and not by shouting from house-tops about a difficulty which exists in every Government in the world. We consider it excessively unwise of leaders to point with disapprobation to the migration of labour to neighbouring British Indian territories in search of labour during winter months. Where there is relief to over-grown population or an increase in the earnings, such migration under proper control and help is to be encouraged rather than stigmatised as fault of the Government. A reference to it in the interview given by Sir Albion Banerji at Lahore has considerably surprised us coming as it did from a man of his large experience in different parts of India.

The instance of a village carpenter applying for a passport to go to the Fiji Islands for livelihood has been quoted as an example of the extreme destitution of village

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labourers. We would take this example as one of an enterprising man to better himself and would wish that more labourers followed his example. The distribution of labour from more congested areas to areas where there is a demand and no supply, is one of the principal functions of the Labour Bureau at Geneva which considers this question as a world question and not confined to any particular country. The Chairman remembers that when he was District Judge at Azamgarh an eastern District in the United Provinces, the regular migration of labourers from that District to Mauritius and other places brought such a considerable amount of wealth by money orders to the District to the tune of several lakhs of rupees a year that the value of land in that District was much increased through such migration. The labour class of that District had an enterprising nature and the example of some being followed by others, the general level of living in that District was raised in consequence of labour finding scope outside the narrow limits of that District. Sir Albion Banerji then went on to say, "In the villages there is no continuity of occupation which drives the people to seek livelihood elsewhere especially in winter." The severity of the winter cannot be provided against by Government being an act of nature and migration at such a time would be a natural necessity. There can be no continuity of occupation of agriculture in such circumstances and if agriculture is to be carried on, as necessarily it must be, there will be a break in such occupation according to the seasons. Of course any suggestions to provide a different kind of work for agriculturists and agricultural labourers during the winter should be helpfully considered by the Government.

No Regular list of demands has been given by any other witness. M. Mohammad Abdulla (W. 14, P:), Ghulam Kadir Kapra (W. 96, P:) and Peerzada Ghulam Rasool (W. 87, P:) have all dwelt on inadequate representation of the Mohammadans in the services. As we have noted in another place the evidence of Peerzada Ghulam Rasool may be studied by the Education Department and where possible the obstacles pointed out by him in the way of Mohammadan education should be removed. Another witness Mohammad Mukhtar (W. 68, P:) has made a valuable contribution (Exhibit 111) on this question of Mohammadan education and we recommend it to the notice of the Minister in-charge of education. Dr. Abdul Wahid spoke vaguely of Mohammadan demands but made no specific suggestions except the one that ruined places for religious worship of Mohammadans should be released by Government. Ghulam Kadir Kapra (W. 96, P:) made it a grievance that if a Hindu turns a Mohammadan he will not be able to inherit any family property and what he possesses will go to his collaterals. Such is the Hindu Law founded on ancient *Shastras* and there is no State enactment on the subject. As the Hindu Law is based on the joint family system if a member of the family renounces the Hindu religion he goes out of the family as if he died on that day. It is true that the British Indian Government under the influence of Christian Missionaries as far back as 1850 removed all caste disabilities by the Caste Disabilities Removal Act No. XXI of 1850. A foreign Government at the height

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of its power can pass such an act with impunity but the process is not so easy for an indigenous Government. Such an act, it is true, removes disabilities with respect to all communities but as the witness himself stated the Mohammadan religion is a great proselytising religion and there are many cases of conversion to that religion while the case of a Mohammadan becoming Hindu is not known. The Commission pointed out to the witness that under the Mohammadan Law also the Mohammadan who relinquishes his religion was debarred from inheritance (Mulla's Principles of Mohammadan Law, 8th Edition, P: 32 Section 47 (ii) and Tyebji Page 834, Section 606 (4) 2nd edition).

Mr. Mohammad Abdulla (W. 14, P:) complained that the Hindus misrepresented the Mohammadans and attempted to excite the anger of the Ruler by making out that the Mohammadans desired that the prohibition to the killing of cows should be removed. We do not think that the charge of misrepresentation against Hindus is correct. The Mohammadans who carry on agitation outside the State have complained against the stoppage of cow-killing as is apparent from the 3rd issue of the *Kashmiri Musalman* (P: of the Exhibit Mr. Wakefield's written statement). It is however very pleasing to the Commission to note that one of the leaders of Mohammadan opinion in Srinagar has specifically stated before them that, "The Mohammadans did not desire cow-killing and they are assured that cow-killing is not a part of the tenet of their religion (P:)."

A memorial of certain Mohammadans presented to the Cabinet on 11th September was confined to recruitment of services and was not of a general nature.

The main desire of the Mohammadans is to have a larger representation in the State services. We shall examine the question of percentage when we come to consider our recommendations for the restoration of communal peace. For the present it is sufficient to say that the Mohammadans have a legitimate grievance and they allege that the Hindus have a preponderating voice in the Government of the State. This is what Mr. Wakefield meant when he said that in dealing with Mohammadan agitation there was always this difficulty that there was a substantial sub-stratum of truth in this complaint regarding insufficiency of appointments in the State service. As explained by the Chairman to the witness Thakur Kartar Singh the question of employment in the State service is larger than merely want of employment for the unemployed. The Chairman explained that in British India, educated Indians desired larger employment in the State services not only to provide bread and butter to educated Indians but in order to have a preponderating voice in the Government of their own country. It was put to the witness whether from that point of view he did not think that the grievance of the want of employment of the Moslems in sufficient numbers in State civil services was a very serious one. The witness did not agree with that view because in his opinion the grievance was put forward only by the educated Mohammadans of the city and it was not a grievance of the villagers or of the Mohammadan public in general. However that may be, after all the intelligentia of a community guide the masses and if the grievance is real it is to be recognised. The difficulty, however, is not over employment of Mohammadans but over finding a sufficient number of Mohammadans for Government posts. The impression that Mohammadans have been excluded from public services because they are Mohammadans is quite

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wrong and the allegation incorrect. Their exclusion from the higher service is due to their backwardness in education. A statement prepared by the Accountant-General shows that the number of Mohammadan officers drawing salary under Rs. 50, is 7288 against 11136 Hindus. This does not include 2601 menials. It may be mentioned that the difficulty of finding State subject Mohommadans for employment is felt not only by Government but also by every other institution in the State who has no connection with the Government. We have two such instances on the record (1) of the Postal Department which is under the control of the British Government and (2) of a Missionary School. Mr Hira Singh, Post Master of the Srinagar General Post Office, was examined as a witness in another matter (W. 77,). He was asked as to the number of employees under him and his reply was that out of 36 clerks under him only four or five were Mohammadans and the rest were Kashmiri Pandits and out of 30 Post-men there was only one Mohammadan and the rest were Kashmiri Pandits. He was further asked who made the appointments and it appeared that they were not made by persons who were State subjects and in the case of clerks they were made mostly by Europeans. Mr. Eric Biscoe (W. 99, P:) is Principal of a very flourishing Missionary High School in Srinagar. His whole teaching staff of the High School and Primary Schools consisted of eighty teachers of whom only two were non-Kashmiris. There is only one Mohammadan Master in his institution. who is not an Arabic teacher. In all there are only five or six Mohammadan teachers and all the rest are Kashmir Pandits. One witness Pandit Prem Nath Bazaz who represented (W. 38, P:) the Hindu case before the Commission went so far as to say that the Mohammadans themselves find difficulty in filling up vacancies in Mohammadan private schools by Mohammadans (P:). He asserted that the Islamia School at Anantnag had on its staff the Head Master and some of the other teachers who were Hindus and so also the teachers of their other schools were Hindus. The matter was put to various Mohammadan witnesses who did not deny this allegation specifically. One of the Mohammadan witnesses Mirza Ghulam Mustafa (W. 72, P:) said that the employment of Hindus in private Mohammadan institutions was due to the desire of Mohammadans for Government service which afforded greater comfort and more secure tenure. If the explanation is correct this is a slur on Mohammadan patriotism.

If we go eight years back, there is another illuminating example of the paucity of Mohammadans suitable for employment in the State service. A reference should be made to the written statement of Captain Wreford in-charge of the Shali Department (Exhibit 134). The Department was started in 1979 S. eight years ago and the Committee appointed to start the Department included six Mohammadans and the President of the Committee was a European. Though the Committee was so constituted with a preponderating Mohammadan voice, out of the clerks appointed at the time 149 were Hindus and 32 Mohammadans.

There is not in Srinagar a very large number of educated Mohammadans who may be employed in Government service, Peerzada Ghulam Rasool who put forward the extremist Mohammadan point of view (W. 87, P:) placed the number of such educated Mohammadans at a little over 100. It has been definitely proved

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by Pandit Prem Nath Bazaz, a Hindu representative (Witness 8, P :
and) that the number of unemployed Pandits is five times
as large.

By a reference to the paucity of State Mohammadans for employment in State service we do not desire to imply that the grievance is a nebulous one. The grievance does exist as there must naturally be a desire on the part of the Mohammadans for a sufficient voice in the Government of the country of which they are subjects. We rather desire to emphasize that the grievance becomes more acute when the Mohammadans themselves find that they have no ability to satisfy their natural desire for a voice in the Government of the State. Our suggestion as to how this difficulty is to be overcome will be given later when we come to the question of communal peace. We have mentioned this matter in this part of our report to indicate that this dissatisfaction is a perpetual source of embitterment of the Mohamman intelligentia and an incentive to them to excite the masses by illusive religious grievances in order to force the Government to accept their claim for a much larger share in the State service than they enjoy at present. In that sense the paucity of Mohamman in State service may be taken as one of the circumstances leading to the present disturbances.

ACTION TO ANTICIPATE AND DEAL WITH THE DISTURBANCES.

We now come to the second part of the enquiry whether the action taken to anticipate and deal with the above disturbances was sufficient or not. The main disturbance was at the Jail and possibly if that had been anticipated and provided against, there would not have been the subsequent occurrences of loot in the city and Vicharnag. We had therefore to enquire how far the authorities responsible for the preservation of law and order had acted with intelligence and foresight. We are of opinion that both were absent in the officers of the State whose immediate duty it was to prevent such an occurrence. After reading the statement of the Governor and the Deputy Inspector-General of Police no doubt is left in our mind that they had sufficient warning. The Assistant Superintendent of Police Pandit Sudarshan Kaul (W. 6, P:) played an important and somewhat mysterious part during the night of the 12th and the morning of the 13th of July. At page he has stated what his information was on the night of the 12th of July. He was on duty at Kothibagh road at 9-30 P. M. when an informer told him that there was house to house propaganda in the city to induce the Mohammadans to collect next day at the Jail. He was also told that there would be a strike and shops would be closed and that there was an intention to collect at the Jail in order to attend the trial but that there would be non-violence. He went at once to the house of the Deputy Inspector-General of Police who took him in his car to the house of the Governor to whom this information was conveyed. He suggested that armed reserved Police force should be sent to the Jail next day but the Governor directed him to verify this information from an independent source and let him know next morning. Previous to the time when we recorded his statement, both the Governor and the Deputy Inspector-General had specifically stated that the information brought to them by Pandit Sudharshan Kaul was that there would be violence at the Jail. The question, therefore, was put to this witness whether he specifically told the Deputy Inspector-General and the Governor that there was a probability of an attack of violence on the Jail. He gave an answer, amazing by comparison to his preliminary statement, that he did give such an information. He reconciled the two statements by saying that in his own private opinion he was convinced that a crowd rushing to the Jail could not remain non-violent when it was going to force its passage into the Jail. So he told the Deputy Inspector-General of Police and the Governor that violence would be used. Then follows great divergence between the statement of this witness and the statements of the Governor and the Deputy Inspector-General of Police. The Deputy Inspector-General and the Governor deposed that next morning this witness changed front and told them that non-violence would be used at the Jail. Pt. Sudarshan Kaul denies this. His statement is that instead of saying that there would be no violence he even added to the information given by him to the Deputy Inspector-General that the Mohammadans had been falsely told (presumably by the agitators) that Abdul Qadeer will be sentenced that very day. This witness emphatically asserted that there was no change in his mind from what he thought on the night of the 12th of July to what he thought on the morning of the 13th of July. The Governor stated (Page) that he was informed by the Police officers on the night of 12th of July that the Jail Guard would be sufficient to cope with the situation. Pt. Sudarshan

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Kaul specifically denied giving any such assurance. He added, "On the other hand I was certain and expressed the opinion that extra Police would be necessary to cope with the situation." (Page). The Deputy Inspector-General stated (Page) that at about 8 A. M. the Assistant Superintendent phoned to him that there was no verification of the apprehended intention of the Moham-madans to attack the Jail. When this statement was put to Pt. Sudarshan Kaul he replied that at 8 A. M. his phone was out of order and he did not convey any such information to the Deputy Inspector-General over the phone. Even in details there is a flat contradiction between the statements of the Deputy Inspector-General and Assistant Superintendent Police. The Deputy Inspector-General stated that he went to the house of the Inspector-General of Police where the Assistant Superintendent Police also came but the Assistant Superintendent Police definitely stated that on the morning of the 13th he did not go to the house of the Inspector-General of Police at all. He added that on that day he saw the Inspector-General of Police for the first time at 1 P. M. in the Police office in the company of the Deputy Inspector-General. The Inspector-General of Police is a simple gentleman and not particularly clever. When he was first examined he stated that the Assistant Superintendent of Police did accompany the Deputy Inspector-General to his house (Page) but subsequently he had doubts in this matter and said that very likely he phoned to the Assistant Superintendent Police (Page). Thus there is a large mass of contradiction and it is difficult to make out who is telling the truth.

It is possible that the Assistant Superintendent Police had alarming information but for some crooked purpose possibly with the wicked desire that things may come to a head and there may be a riot, he hoodwinked the Governor and the Deputy Inspector-General or the Governor and the Deputy Inspector-General now recognizing their responsibility have tried to make out that the Assistant Superintendent Police withdrew the alarming information on the morning of the 13th of July, which he had given on the night of the 12th of July. This Assistant Superintendent of Police Pt. Sudarshan Kaul is concerned in another matter also that of stopping searches by the Police for some days after the 15th of July. In that matter also he and the Inspector-General of Police have flatly contradicted each other. On 16th July the Assistant Superintendent Police issued an order to the Police Sub-Inspector (Exhibit 39) to stop searches and he deposed before us (Page) that the Inspector-General of Police gave him such an oral order. The Inspector-General gave a flat denial to having given any such verbal order to Pt. Sudarshan Kaul (Page). Whatever doubts we may have as to the efficiency and capacity of Col. Gandharb Singh, Inspector-General of Police, we would have no hesitation in preferring his word to that of Pt. Sudarshan Kaul. Pt. Sudarshan Kaul must have acted under some superior authority. It is obvious to us that he is concealing the name of that authority and wrongly putting the blame on the the Inspector-General of Police. When he has told a lie in this matter it is possible that he hood-winked the Deputy Inspector-General and the Governor on the morning of the 13th of July. An officer of this character should not be kept in service. We are not sure that he is not mainly responsible for the unpreparedness of the executive officers in face of the riot.

We are of opinion that the Governor and the Deputy Inspector-

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General exhibited considerable lack of intelligence and executive capacity in permitting themselves to be so misled. They both knew well the then temper of the Mohammadan masses and how day after day they were being excited in the name of religion. We have evidence that on the night of the 12th of July there was a meeting of Mohammadans at Gaukadal where exciting speeches were delivered. As already noted by us there is not only the testimony of Pandit Madho Ram (W. 47, P:) but there is also a Police report on the subject which, if the Deputy Inspector-General was a capable officer, he ought to have known about on the morning of the 13th of July. We shall not be doing injustice to these officers, the Governor and the Deputy Inspector-General in saying that they took no action such as efficient officers in their position would have done. The Deputy Inspector-General arranged for extra Police to go to the Jail but we are certain that he did not give urgent orders and the extra Police did not leave the lines till 12-30 P. M. If there had been a large force of the armed Police at the Jail, the crowd would have been over-awed and not made a rush into the Jail compound, on the arrival of the Sessions Judge. This was the beginning of the riot and could have been provided against by foresight. The District Magistrate did nothing whatsoever and awaited events. Possibly he had a contempt for the courage of Kashmiris such as has been expressed by Mr. Wakefield in his written statement (Exhibit 70, P:) Mr. Wakefield's words are, "I think everybody is agreed that nobody anticipated that a Kashmiri mob would behave in the way it did and consequently no disturbances were anticipated." Whatever the reason may be, in our opinion the Governor was exceedingly negligent in making no preparations to meet what he ought to have known would be an alarming situation at the Jail.

We may be permitted to say that Your Highness was the only person in the State who acted with promptness and foresight on the day of the riot. As soon as the message of danger was conveyed to Your Highness from the Jail by the Governor you ordered the Palace Guards to Ram Nivas and that contingent was the first to arrive at Maharajgunj under the command of Colonel Nawab Khusru Jung. Your Highness also directed Brigadier Sutherland to phone to the Bodyguard Lancers from Karanbagh to get ready and directed him personally to go to Badami Bagh Barracks to order 80 men to be ready and Your Highness arranged for the lorries to be sent for them. These lancers and Military men in lorries arrived at the Jail at 3 P. M. which we consider to be smart work but unfortunately Your Highness had no previous warning of probable misadventure at the Jail and action was perforce taken by Your Highness after the rioting had commenced. But for the prompt despatch of troops by Your Highness to Maharajgunj we believe that the devastation in the city would have been terrible.

On the 13th of July a matter of particular misfortune was that the Police and Political Minister who was also the Army Minister and on whom his subordinates depended to a far larger extent than they should have was not available on the phone and had business at the Residency. It was by accident that at about 2-30 P. M. he looked in at his office at Taley Manzil and learnt that he had been repeatedly phoned for and a great riot had occurred at the Jail. When he reached Taley Manzil the telephonic connection with the Jail had been interrupted. He thereupon motored to the Jail after finding out on the phone that the bodyguard cavalry had left for the Jail. If Mr. Wakefield had been available early on that day, his very presence at the Jail would have had a very quieting influence on the mob. This misfortune of Mr. Wakefield's being

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otherwise engaged is equal to the misfortune of the Mohammadan agitation being helped by the religious incidents of the *Khutba* and the *Tauhini Koran*. It is not seldom that in the events, small or large of life, a great deal depends upon accidental causes and incidents.

There is not one act of bravery to the credit of the Police during the disturbances. There is a Police Station and an Out-post within the circle in the city in which the loot was principally committed, that is, Maharajgunj Bazar and Ali Kadal. The Sub-Inspector of Maharajgunj Kh. Saif-ud Din (W. 30,) had gone to the Jail to make certain arrests. The Head Constable and Constables of that Police Station shut themselves up in the Police Station and it was only when Brigadier Sutherland reached their Police Station with his troopers that they came out of their safe confinement (P:). These Policemen had no shame to own to Brigadier Sutherland that they had been forced to shut themselves in during the riots as the crowd was too much for them to control and they were not properly armed. The Constables at the Police Out-post in the Maharajgunj Bazar above a chemist's shop had the same instinct of self-preservation and shut themselves up in the guard room. The evidence of Bh. Karam Chand is definite on the subject. He actually saw the Constables locking themselves in inside the room. One of them Bakhtawar Khan (W. 101, P:) stated before us that he went as far as the Post Office from his Police Station. We do not believe him. He has been given the lie by Mohammad Subhan, Sub-Post-Master (W. 102, P:) who stated that no Constable was visible near his Post Office during the disturbances. Every witness official and non-official has declared that Policemen were conspicuous by their absence until the military arrived. A more scandalous exhibition of pusillanimity by the guardians of law and order can with difficulty be imagined. The Chairman an outsider had long previously noticed the want of discipline and of power of observation among the Police of Srinagar. They are not able to recognize the cars of officers; those who have not observation enough to recognize superior officers of the State will be equally wanting in observation in detecting bad characters. The Chairman's experience outside the State had been different. There is not a District in the United Provinces where he has not served in a Judicial capacity, and everywhere even in such large cities as Allahabad, Agra, and Lucknow, within a week of his arrival the Police on duty recognized him. The want of discipline was so irritating that within the compound of his own Court when the Chief Justice's car passed, Constables in-charge of prisoners rolled about on the ground and did not stand to attention. The Chief Justice had to write to the Inspector-General of Police and warn him that no Policeman would be admitted into the compound of courts under the Chief Justice, if better discipline was not observed. The Chairman, therefore, is not surprised at the exceedingly miserable show which the Police put up during the disturbances. It is a matter of great doubt to the Chairman whether the Police could recognize the Magistrates of their circle by sight, a most essential necessity in time of trouble.

We are of opinion that all the Head Constables and Constables who were present at Maharajgunj Police Station and Police Out-post on the 13th of July at the time of the riot should be dismissed as they disgraced Your Highness' uniform.

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Even after the riot and loot the Police continued in the same state of inefficiency and muddle. We have already referred to Pt. Sudarshan Koul (W. 6, P:) stopping house searches by the Police on the 16th of July, only three days after the loot. There is his order in writing (Ex. 39, P:). We are satisfied that this witness told a lie when he said that the Inspector-General of Police gave him such a verbal order. At the same time he must have acted under orders. The Inspector-General of Police (P:) believed that Mr. Wakefield had given such an order (P:). His statement on that page may be quoted. In answer to the question whether he stopped searches anywhere he replied "No. In fact on 19th or 20th July I went to Vicharnag where it was represented to me that one Mohammad Yahiya had given utterance to a complaint that Government had ordered that searches be stopped, that he had been so informed by the Minister and yet searches were going on. I gave clear orders that searches must continue and that Police must search.....On 21st or 22nd of July I went to Mr. Wakefield and enquired whether he had given any order to stop searches for people were spreading the rumour that such was the order. Mr. Wakefield appeared to be in a temper at the time and he said to me sharply that he had given such an order. The next day I went to Mr. Wakefield and said to him, 'Sir, why did you give an order like this for the stay of searches and he replied that what he meant was that searches should not be made by the Military.'" This statement was read over to Mr. Wakefield (P:) who said that it was quite false for the Inspector-General of Police to say that on his enquiry whether the witness had stopped searches this witness replied that he had given such an order. He said that he had stopped searches by the Military and not by the Police. The Inspector-General of Police then made an amazing statement that the order of the Assistant Superintendent Police to stop searches by the Police (Ex. 39) was never brought to his notice. He came to know of the existence of such an order 12 or 14 days after it was passed. Obviously the Inspector-General of Police did not behave as an executive Head of the Police but merely as an underling of the Police Minister.

There is another unfortunate incident of the burning of the Sangam bridge on the main Srinagar-Jammu Road during the night preceding the 25th of July. The authorities had sufficient warning through anonymous petitions that there was danger of this bridge being burnt. Nearly 9 days previously on 16th of July the Governor was warned of this danger. The Governor and the Inspector-General of Police have described how they went to the house which was the same as the office of Mr. Wakefield and suggested to him that that bridge and the Khanabal bridge may be watched by the Military (P: and P:). Mr. Wakefield however has denied that any such information was given to him. Mr. Wakefield agreed that on the 20th of July the Governor, the Inspector-General of Police and the Deputy Inspector-General waited on him but denied that they definitely told him on that date that they had received anonymous petitions to the effect that there was likelihood of Sangam and Khanabal bridges being set fire to (P:). He also stated that no definite request was made for Military guard for those bridges. He first said that he did not remember that anything definite about the Sangam bridge was told to him and then said more affirmatively that he was certain that no definite request for Military guard for the bridges on the Jammu-Khanabal road was made to him. Whatever may be the truth, it is obvious that there was great

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negligence on the part of responsible executive authorities and that if prompt steps had been taken the burning of the bridge would have been averted.

Brigadier Sutherland has also given the opinion that the burning of Sangam bridge could have been prevented if the executive officers of Anantnag had any sense. (P:). The Assistant Superintendent Police, Anantnag, L. Anand Sarup (W. 34. P:) had warning of the danger of arson as early as 21st July (P:) and yet he had not the intelligence to pass on the warning to the Military picket at Anantnag. The patrol had been there since the 19th of July. Brigadier Sutherland said that Subedar Saib Singh in-charge of the patrol would have arranged for the watch and ward of the Sangam bridge, if the Civil authorities of Anantnag had asked him to do so. According to this witness, the Military patrol at Anantnag knew that they were sent to help the Civil authorities and carry out their orders and that if intelligent action had been taken by the Anantnag Civil authorities the bridge would not have been burnt. We have already pointed out that Your Highness' Military forces acted with great promptitude in reaching the scenes of depredation and in restoring peace and order there. We must record however, with regret that Your Highness' Civil executive authorities did not exhibit either efficiency or foresight in dealing with the disturbances or subsequently.

PROCURATION OF COMMUNAL PEACE.

The most important desideratum is that preachings to excite communal hatred in the garb of religious discourses should be stopped with a strong hand. We have taken great pains to ascertain if public opinion will support such preventive and punitive action of Government in regard to objectionable speeches in mosques and temples.

We had assurances of responsible Mohammadan witnesses that if the Government is strong in putting down these wicked addresses in places of religion, the sympathy of the masses will be ultimately with the Government. It is not difficult to imagine that there will be temporary sullenness or even worse in the beginning but if firm action is taken in a suitable manner public opinion is sure to adjust itself in course of time. Mirza Ghulam Mustafa (W. 72, P:) a retired Wazir Wazarat and at present Vice President of the Municipality here has gone so far as to state that unless these discourses are stopped there is no probability of amity among the communities till the day of judgment (*ta qayamat*). Along with the stoppage of these harmful speeches there should be strict scrutiny of vernacular papers which enter the State, and prompt action taken to proscribe offending journals both Hindu and Mohammadan. Thakur Agha Syed Hussain (W. 92, P:) has rightly pointed out that these scurrilous writings are not of negligible effect but that at the present day even illiterate villagers get to know the contents thereof by listening to them, when read out in village squares. To quote the recent eloquent words of a great orator Sir Ramaswami Ayer "Who could deny that every day, in obscure villages, journals were read and commented upon and re-read, so that the back numbers of the journals were in fact live issues." No mercy or consideration should be shown to these classes of mischief makers and justice should be dealt out impartially to both Mohammadan and Hindu transgressors.

In this connection it is essential that Police Constables and all other reporting officers who take down speeches should be versed in shorthand so that no doubts may be raised in the minds of Courts at the time of prosecution as to the exact words used by a speaker. Care may also be taken that Mohammadan officers may be deputed to mosques and Hindu officers to temples and Dharamsabhas as suggested by Agha Syed Hussain (P:). The interpretation of what constituted criminal speeches should be left to Courts of Law. Mr. Abdulla Vakil (W. 14. P:) put forward the claim that every kind of discourse was included in a religious discourse according to the tenets of the Holy Koran (P:) and that full permission should be given to literary Mohammadans to instruct masses of Mohammadans. Such a claim cannot be countenanced and, in face of the positive statements of M. Ghulam Mustafa, Colonel Ghulam Ali Shah and General Samunder Khan, no Mohammadan can assert that sedition and race hatred are not inculcated in the masses of Mohammadans through discourses held in mosques.

There should be more publicity given to the acts of Government. Acts done with the laudable object of appeasing the public mind either of Mohammadans or Hindus should be made known to the public and not kept secret. We have one amazing instance of the late Home and Judicial Minister Thakur Agha Sayed Hussain

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(W. 92, P:) being entirely ignorant until he came to give evidence in this Court on 4th September that a reply had been given by the Cabinet on 28th January 1931 to a representation made by Mohammadans to the Cabinet in the previous year. He had heard Mohammadans complaining that the representation had not met with any response and yet he, a responsible Minister of Government, had not the knowledge to contradict this complaint. Similarly the action taken on the memorial of 1929 was beneficial to the memorialists but was kept a secret even from other Ministers and was known only to the Minister-in-Waiting of the time. However commendable it may be in private life to do good by stealth and blush to find it fame, such an attitude is not conducive to the appeasement of public feelings at the present day. There should be a vernacular Propaganda Department of the Government and every kind of news which it thinks desirable that masses should know ought to be conveyed to them by that Department. To give an example Colonel Ghulam Ali Shah (W. 88, P:) was according to his evidence himself satisfied that the impression created on his mind by the enquiry held by Mr. Wakefield was that no Tauhin of Koran had actually taken place but complained that the result of the enquiry was not conveyed to the public.

The education of Mohammadans is a matter over which Mohammadans are most sensitive. The Education Minister must personally interest himself in this matter and we may suggest the advisability of his having a consultative Committee of Mohammadans to bring prominently to his notice all defects in the Department which Mohammadans may consider injurious to their educational progress. We were pained to hear from a Mohammadan Ex-Minister of Education Thakur Agha Syed Hussain that during his time of office, in Normal Schools which were provided by Government for the training of teachers Mohammadans were, to use his words, conspicuous by their absence and yet he made a somewhat startling statement that it was not in his power to interfere or modify rules in order to bring Mohammadan boys to these schools. He merely gave general advice to the Director of Education and to the Inspectors of Schools. Such an incident causes an exceedingly bad impression on the Mohammadan mind as giving them reason to believe that Hindu officers were bent on keeping them back in education. Even such a well balanced Mohammadan gentleman as Colonel Ghulam Ali Shah expressed his suspicion that Hindus entertained a dislike of the Mohammadans getting educated and thereby becoming fit to obtain a share in Government services (P:). Your Highness can do no greater favour than what you have done of appointing Mohammadan Ministers in-charge of Education; it is up to him to discover paucity of Mohammadan boys in schools where it exists, to find out reasons thereof and use his best endeavours to remedy the defect. He must keep himself in constant touch with local Mohammadan educationists and parents who have their sons to educate and find out by personal meetings the difficulties which may be lying in the way of the advancement of Mohammadan education. Pirzada Ghulam Rasool, Head Master of the Islamia High School (W. 87, P:) is undoubtedly a most suspicious and extreme Mohammadan who is fully convinced that the Hindus can do no good. When the Chairman just to test his mentality brought him round to a grudging admission of gratitude to Your Highness for the appointment of as many as four Mohammadan as Munsiffs a year ago in

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supersession of previously selected Hindu candidates to satisfy Mohammadan demands, he could not resist adding at the end that those Mohammadans were still *subprotem*. Even so, his whole statement both written and oral under the test of examination should be studied. There are many small points he has mentioned as grounds of irritation and complaint against the Education Department by Mohammadans which may easily be removed if properly tackled by the Minister in-charge of Education. For instance, he mentioned large decrease in the attendance of Mohammadan boys in compulsory schools under the charge of a Hindu attendance officer and a large increase where the attendance officer was a Mohammadan. A statement received from the Director of Education (Ex: 132) would indicate that this complaint is correct and if the Minister of Education personally interested himself in the progress of Mohammadan education, redress would soon be found.

The question of employment of Mohammadans in the public services in larger number will have to be faced by the Government. Hindus who are Your Highness' hereditary subjects are highly educated and insist on appointments being given according to merit. According to a Hindu representative Pandit Jia Lal Koul (W. 80, P: and) appointments in public services should be made independent of any communal considerations. We are not prepared to agree with that view. In lower paid appointments a high degree of education is not essential. Merit should be considered as merit necessary for the particular post and not in the abstract. If in a particular office the number of Mohammadan employees is small and the post is such as could be satisfactorily filled by a person who has only passed the Matriculation examination, a Mohammadan with that qualification should be preferred even where a Hindu graduate offered himself for the post. Of course certain Mohammadan witnesses like Abdul Majid (W. 69, P:) and Pirzada Ghulam Rasool (W. 87, P:) have gone to the extreme length that even outside Mohammadans may be imported and Mohammadan representation in the services raised to the proportion of their percentage of population in the Kashmir Province; but the saner Mohammadan opinion represented by Colonel Ghulam Ali Shah (W. 88, P:), General Samunder Khan (W. 90, P:) and Thakur Agha Syed Hussain (W. 92, P:) was in favour of reserving State appointments to State subjects and were opposed to the idea of importing Mohammadans from outside to equalise representation of communities in the services. They all, however, put forward the claim that when for high and technical appointments outsiders are introduced, selection should be made by communities and if once a Hindu is appointed to a high post the next selection should be that of a Mohammadan. In our opinion there is no substance in the claim of extreme Mohammadans to obtain a share in public services to the extent of the proportion of their population in the Kashmir Province. Even Moulvi Abdulla Vakil admitted the untenability of such a claim. It must be remembered that an overwhelmingly large proportion of the Mohammadan population is supported by agriculture and those are not men who would educate their children to seek services in Government employment. A comparison should really be made between the proportional population of the two communities engaged in service, literary profession, industries and commerce who alone have the inclination and ability to educate their sons. In 1921 in the Kashmir Province out of a total population of a little over 14 lacs overt 10 $\frac{3}{4}$ lacs were supported by agriculture. In

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Jammu Province excluding the Jagirs of Chinani and Poonch there is a very slight disproportion in the population of the Mohammadans and the Hindus, the Mohammadans being 7 lacs and odd and Hindus 6 lacs and odd. If Sikhs, Jains and Buddhists be added to Hindus this disproportion will be still smaller. It is true that in the Kashmir Province this disproportion is enormous; as has been explained above most of the excess Mohammadan population is engaged in agriculture. It should also be remembered that the Pandits as a class live only by literary pursuits and have no other vocation in life such as is followed by Mohammadans in trade, industry and commerce. Counting of heads cannot therefore be a proper method of approach in arriving at a settlement of the proportion of Mohammadan employment in State service which should be aimed at by the Government.

Your Highness has personally seen during the short time since Your Highness came to the *Gadi* that more scope is given to Mohammadan aspirations. Mirza Ghulam Mustafa, Colonel Ghulam Ali Shah, General Samunder Khan and Thakur Agha Sayed Hussain have acknowledged in befitting terms the gracious favour done by Your Highness to Mohammadans. Even Mr. Abdulla Vakil who may be taken to represent the somewhat extremist Mohammadan view stated that, the Mohammadans had full trust in Your Highness and the laws which Your Highness had enacted for the betterment of your people. He complained that a section of the Hindus had over-powering representation in the Government and that that section oppressed the Mohammadans. He was reasonable enough to admit that the Mohammadans cannot claim proportion in State service equal to the proportion of population in the Kashmir Province. It is the opinion of the Commissioners that definite instructions may be issued to the Civil Service Recruiting Board to aim at employment of a particular specified proportion of Mohammadan State subjects of whatever class so far as they are available.

The question of the employment of outside Mohammadans is not one about which there is agreement between the extremist and moderate views of Mohammadans. Mr. Abdulla Vakil, Dr. Abdul Wahid (W. 47, P:), Mr. Abdul Majid (W. 69, P:), Peerzada Ghulam Rasool (W. 87, P:) advocated the importation of outside Mohammadans, to give Mohammadans a large preponderance in the State service while Mirza Ghulam Mustafa, Col: Ghulam Ali Shah, General Samunder Khan and Thakur Agha Syed Hussain were opposed to such importation and said that the Mohammadan community was prepared to wait till Mohammadans of the State acquired sufficient education to be fit for employment in the State service in ever-increasing proportion. We are in favour of reserving appointments for State subjects but are not prepared to recommend that the present policy of reserving them for hereditary State subjects should be continued. Under Your Highness' orders scholarships may be given to State subjects of any class and are not reserved for hereditary State subjects. So the reservation of appointments to hereditary State subjects is likely to create much disaffection when scholars educated at State expense are denied a claim to service in the State. Again in our opinion, it is dangerous to have a class of domiciled subjects who feel compelled to look upon the Government as a foreign institution, from which they are excluded, and cannot be counted upon for help in time of need.

One great necessity to procure communal accord is the appointment of a permanent Board consisting of an equal number of

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Hindu and Mohammadan members. The Hindu representatives who gave evidence before the Commission, have eschewed mention of any Board or consultative legislative assembly through fear of the representation on such a body being fixed in proportion to population. All the responsible classes of Mohammadan spokesmen before the Commission have advocated the appointment of a Board of arbitration or conciliation. Thakur Aga Syed Hussain was of opinion that at present communal bitterness was so great that the constitution of the Board may be delayed until a calmer atmosphere had supervened. We are of opinion that such a Board should be established as early as conveniently may be. Our recommendation in this particular line of obtaining reconciliation between the communities has recently been anticipated by Your Highness and a Conciliation Board of Mohammadans and Hindus under the presidency of the Governor has been constituted in Srinagar. Our recommendation is that the Board may have larger functions and may be attended even by Ministers to explain matters. In our opinion after listening to evidence particularly of Mr. Abdul Majid (W. 69, P:) and Peerzada Ghulam Rasool (W. 87, P:) we are apprehensive that much of the dissatisfaction of the Mohammadans is due to misunderstanding of various events which if explained to the representatives of the two communities at the proper time, would prevent misuse being made by agitators of such incidents. We may quote instance of Pirzada Ghulam Rasool who stated that Mr. Sharp's report of 1925-26 was favourable to the Mohammadans and therefore suppressed. He has not seen the report and what is more surprising it was never seen by the Ex-Minister of Education Thakur Aga Syed Hussain. If the Board asked a question on the subject the matter could easily be explained by the Government and misrepresentation and suspicion would be averted. There is a large number of matters regarding education that this witness has adverted to, such as Orphan and depressed classes scholarships never being given to Mohammadans; an Arabic school not being started like the Sanskrit Pathshala; medical student Ghulam Mohi-ud-din being wrongly rejected; allegation that certain actions favourable to Mohammadans were taken in British India and not here; advertisement for only Mohammadan applicants for posts being subsequently withdrawn and so on. If these points are mentioned in the Board as they would inevitably be, the attention of the Government would be drawn to causes leading to disaffection and either the causes would be removed or the statements raising suspicion categorically denied and demolished with reference to facts. To take one example, we have heard from the Director of Education that not only Orphan scholarships are granted to Mohammadan students but that a special grant of Rs. 480 is made for this purpose to Akbar Islamia High School at Jammu (Ex: 133). If such a complaint had been made by a member of the suggested Board, it would have at once been corrected by a statement of true facts and the possibility of misrepresentation would have ceased. This Board need only be established in Srinagar and Jammu. It is certain that matters causing dissatisfaction in the districts would also be brought to the members of the Board in these two cities. The Board should be a general consultative Board with a right given to the members to ask questions and explanations from the Government. The Official present in the Board may be empowered to submit the question to the proper Minister, obtain an answer from him and communicate it to the questioner or if the Minister considered a particular matter to be of sufficient importance he could himself attend a meeting of the Board, give an explanation personally

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and also answer supplementary questions on the spot.

The events of disturbances like those discussed above naturally leave behind a great deal of unpleasantness and bitterness and their memory can be obliterated only by time. We make this observation so that executive officers may not be disheartened by any disappointment or failure in their attempts to restore peace and harmony and must continue their efforts till this desirable end is achieved. As we have intimated above, the immediate object of the creation of the Boards doubtless will be to restore communal peace but that will not be the sole object. The Boards should not be so large as to become unwieldy and difficult to function. At the same time they should not be so small as to exclude the representation of important communal interests. The Board at Srinagar may consist of 12 members, 6 Mohammadans and 6 Hindus, and at Jammu of 10 Members, half Mohammadans and half Hindus. The selection should be made with great care and caution so that the so-called Young Moslim and Young Hindu parties may also find representation. No limit should be placed upon the matters the members can discuss and bring to the notice of the President who should not be an officer of a lower grade than the Governor of the city. It should be left to the good sense of the Board guided by the tact and advice of the President to direct their energy into useful channels and to make such suggestions as shall be in the true interest of their country and the Ruler. After mature consideration we are of opinion that the members should be given an allowance or honorarium on the analogy of British India though of course on a smaller scale having regard to local conditions. We recognized the danger that such a course might give the impression that these representative gentlemen were being bought by the State and therefore questioned several witnesses on the subject. All the witnesses on being questioned agreed that there was no real danger of such a misunderstanding. As an instance it was pointed out by one witness that assessors were paid diet money and so were jurors in trials before Courts of Sessions and High Court but it has never been seriously suggested that the assessors or the jurors were on that account won over by the Crown. Likewise members of Council in India are paid sums considered to be sufficient to meet their out-of-pocket expenses but it is never argued that on that account their freedom of opinion and action is in any way curtailed or influenced.

Above everything the Commission hope that such a Board will change the present most unfortunate mental attitude of the two communities. This attitude as exposed before us by witnesses is most alarming in so far as it discloses an entire absence of trust by one community in the other. In our opinion this mental attitude is even more dangerous than criminal acts as the acts can be suppressed while an attitude of the mind is difficult to reach.

The impression must be avoided that the Government is favouring any particular class of Your Highness' subjects. Mr. Abdulla Vakil and Mr. Asadulla (W. 15, P:) referred to this matter guardedly and did not disclose which community they referred to. Khawaja Salam Shah (W. 76, P:) definitely stated that Hindu Rajputs were particularly favoured in promotions. He did not mention instances but desired us to compare Civil Lists to discover how Hindu Rajputs had jumped from posts of Rs. 200 to those of Rs. 1,500. Sardar Thakur Kartar Singh Ji (W. 91, P: and), a leading Hindu Rajput, denied this allegation

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Whatever the truth may be, a suspicion does exist and may be a cause of disaffection. Where we are all subjects of an Indian Ruler, cause should never be given for the stigma, sought to be placed on foreign rule that it desired to divide and rule.

The establishment of a School for Hindu Rajput boys has further roused the suspicion of other communities. When it was explained to witnesses by the Chairman that the school was founded and supported by "*Dan*" (religious gift) money left by His late Highness for the purpose, Khawaja Salam Shah pointed out (P:) that *Dan* is given only to Brahmans and further that if Hindu Rajputs benefited why should Mohammadan Rajputs, who took pride in calling themselves Rajputs, be deprived of the benefit of joining the school. Mr. Abdul Majid had raised the same objection previously (P:) as to the exclusive use of this school by Hindu Rajputs. Sardar Thakur Kartar Singh Ji one of the trustees of the School, however, explained that it was the personal wish of His late Highness that this *Dan* money should be used for the benefit of Hindu Rajputs (P:). In order No. 3 of 29th June 1929 of Your Highness, it has been declared at the very commencement that the school was established in deference to His late Highness' desire to ameliorate the condition of his own community. Thus, though there is no basis for the grievance, it is very keenly felt and whenever funds permit a school for sons of nobles other than Hindu Rajputs should be started by the State. Here also the ever present desire for employment comes in. Sardar Thakur Kartar Singh Ji has explained that there is no guarantee given to the students of the school that they will be provided for in State service, but when they are instructed under State supervision, it is but natural for the public to think that they will have a certain claim and that their education under such excellent auspices must give them an advantage in competition with others for Military employment.

FUTURE PREVENTION.

This part of our report it will not be possible to keep distinct from the preceding part because measures for prevention in future of deplorable occurrences like the riots of 13th July would in most cases be similar to those for the restoration of communal peace and harmony. The two parts may be considered as divisions of the same subject. We shall give our recommendations serially of suggested action by Government which in our opinion would reduce the possibility of a repetition of similar occurrences in future :—

1. In the fore front we place our recommendation with all its implications of overhauling the personnel and method of the Police Department. We are afraid that the appointment of an Officer of another Department after short training in the State and outside is bound to prove a failure. To be a sound Police Officer at the head of the Police, the Officer must either come up from the bottom step of the ladder and acquire all the experience in the State or should have acquired experience of Police methods outside the State by actual charge of the Police. It is a vain hope to expect, for instance, a military officer after training of a couple of years to become a capable executive Head of the Police, possibly even more vain than to expect such an Officer after visiting Courts in this State and outside the State for the same period of time to preside over the Judicial administration of the State as Chief Justice. As early as possible an executive Head of the Police with sound experience of British Indian methods should be appointed Inspector-General of Police and a Commission of two or three capable Police Officers of the State with the new Inspector-General as President should be appointed to suggest ways and methods of improving the Police Officers as to discipline, power of observation and bravery on occasions of stress and trial. We are firmly of opinion that, without regard to any communal agitation, if it is thought that one particular community of Your Highness' subjects is more likely to be amenable to discipline, to maintain smartness and to exhibit courage, the force should be recruited from that community. The Police force should be so efficient that it may not be considered only the first line of defence to preserve peace and order with ready availability of the Military but it should be such as to afford real security for peace and order necessitating the employment of Military as a mere support in extreme cases. So far as we could make out after an examination of the incidents of the riots, the Police entirely stepped aside after the firing at the Jail and threw the whole burden of restoring peace and order on the Military.

After the exhibition of P. Gurdial Rampal, Superintendent C. I. D. (W. 5, P :) in the witness box and the severe strictures made on him by the Chairman, we have no confidence in officers of that Department. The Inspector Abdul Karim (W. 17, P :) and Sub-Inspector Habibullah (W. 18, P :) of that Department did not impress us as officers efficient for their duties. In our opinion the

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whole Department requires remodelling.

We shall repeat here the necessity of training Police Officers in shorthand, if it is desired that those officers should attend public meetings and meetings in mosques and temples for the purpose of checking sedition and incitement of masses.

While on this subject we would like to emphasise our disapproval of any Minister of State, in-charge of the Police, aggrandizing power in such a way as to make executive Police officers merely puppets to dance to the pulling of strings by him. Though Mr. Wakefield, Minister in-charge of the Police at the time of the disturbances emphatically denied this insinuation against him made by the Chairman that he had made puppets of Governors and Police officers and emasculated their authority (P:) we have no doubt that he kept authority so much centralised in his own hands that these officers were rendered useless for independent action. The duty of a Minister is to consider large questions of policy and not to keep within his control day to day routine and executive action by the Police in emergency. We would not like repeated the spectacle of a Head of a Department like the Police waiting at the house of the Minister in-charge for two hours during his absence on a critical day.

In the present state of affairs it appears to us hopeless to expect any serious riot or other disturbances to be quelled in time without the aid of the Military. This is a serious matter because in our opinion Military aid should be sought on very seldom occasions. This can only be done if the Police force at the disposal of the District Magistrate is adequate and properly armed and trained. We suggest that the reserve force in Srinagar at least should consist exclusively of Hindu and Muslim Rajputs till such time as the local inhabitants can be safely trusted with the discharge of these unpleasant but imperative duties. We have formed a very low estimate of the bravery and discipline of the Kashmir Police.

The Intelligence Agency of the Government is neither efficient nor competent. This again is a matter that requires careful investigation and consideration. The District Magistrates should not be ignored as they seem to have been done in the past and all important news regarding their charges should be communicated to them forthwith.

2. The area of the charge of the Governors of Kashmir and Jammu should be considerably reduced. They are supposed to be effective executive officers but they are really in the position of Commissioners of Divisions in British India, where the holders of the posts act merely as a post office and do not perform any executive duties. No officer, however capable can be expected to use his

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executive authority of a Collector and District Magistrate in such vast areas. It may often happen that in the routine of his duties the District Magistrate may be absent from Srinagar or Jammu at a very critical time. We had an example of the Jammu District Magistrate being absent on duty from Jammu at the critical time of excitement over the *Touhin* case and had no information of what was happening in Jammu until after a Minister had arrived on the scene from Srinagar. It was explained to us by that officer that in his absence the Additional District Magistrate was in-charge. But the Additional District Magistrate who is over burdened with case work cannot possibly be expected to have personal knowledge of the city or of the people residing there or the movements going on within his charge. We are of opinion that the charge of the Governor of Kashmir should be reduced in area to that of the Wazir Wazarat of Srinagar, and that his designation be changed to Governor of Srinagar and in the same way the charge of the Governor of Jammu should be reduced within the limits of the Wazir Wazarat of that District. The Wazir Wazarat in the other districts may be given the powers of Governors to deal directly with the High Court and the Revenue Minister. The evidence before us has assured us that the spirit of unrest has not yet permeated in the districts so we think that a Wazir Wazarat will be able to control the situation in his District and do a certain amount of criminal work as well. This will of course not be an ideal arrangement but will have to be accepted so long as financial stringency continues. When funds are available, we would advocate the appointment of a residential Magistrate in every Wazarat to take the burden of the case work off the hands of the Wazir Wazarat and to a certain extent of the Tehsildar. The judicial work done by these touring officers is of an indifferent character and unduly prolonged by reason of their constant absence from head-quarters. A residential Magistrate at Wazarat head-quarters should take the place of the Additional District Magistrate of Srinagar and Jammu and thus every District would be made a self-contained entity and the criminal work will be done with considerable promptitude and intelligence to the satisfaction of the litigants.

Our observations in the case of the Inspector-General, Police hold also in the case of Governors and Wazir Wazarats and we would desire that there should be no undue interference of any Minister in the executive duties of these officers. In our opinion the posts of Governors of Srinagar and Jammu are of great responsibility. We would recommend stern selection to be made always to fill these important positions and they should not be given by right of seniority. A capable Governor at either place with full knowledge of his charge and the confidence of the people and of an intrepid character to undertake responsibility would be

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the principal barrier to unfortunate occurrences like the disturbances of the 13th of July.

3. Sardar Thakur Kartar Singh Ji openly said in public examination that much of the disaffection against Your Highness' Government was engendered by persons in employment in the State (W. 98, P: at page). A responsible officer of his standing cannot have made such a statement at random. We are of opinion that such officials should be severely dealt with and got rid of and their places filled by men of the same community. Sardar Thakur Kartar Singh Ji has suggested (Exhibit 106, P:) that all disloyal servants whatever their position may be, should be immediately replaced and their subordinates who took part in this movement should be drastically dealt with. To avoid misunderstanding he would further suggest that if it became necessary to remove a Moslim or Hindu officer on this ground he should so far as possible be replaced by a suitable loyal Moslim or Hindu officer.
4. In connection with the above recommendation we think that a careful watch should be kept over persons of known tendency to foment communal strife. Their movements and their activities should be forthwith reported through the local authorities to the District Magistrate and this should be an important duty among those prescribed for village officers such as Patwaris, Zaildars, Lumberdars, Safaid Poshes and Chowkidars.
5. The most noteworthy fact that has manifested itself during the enquiry has been the entire absence of any internal security scheme of the city or of a Province or of any part thereof. In case of riots or other disturbances it appears that no body seems to know what part he has to play in subduing the same. This is a lamentable state of affairs. There should be a permanent Committee of the District Magistrate, the Inspector-General of Police, and a competent Military authority first to work out a complete scheme of protection for the city and the Province and then to make periodic addition or amendments as new circumstances arise. The scheme may be kept secret and only portions of it disclosed to persons connected therewith. It is not for us to work out details which may be left to the good sense and experience of the officers mentioned above by us.
6. The practice of Pardanishini should be discarded by all officers of the State. The Executive officers of the Government should at all reasonable times be approachable by Your Highness' subjects. They should always patiently and sympathetically listen to what the applicant has to say. We grant that all or even a major part of any request made cannot be acceded to. A patient hearing, however, goes a very long way to assuage the feelings of the person who considers himself injured. We may

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say that any litigant whatever his position may be has free access to the Chambers of the Chief Justice and to the Courts of all the Judges. A certain amount of time is lost thereby in listening to irrelevant statements by litigants but we have no doubt that a general sense of satisfaction at the ability to receive justice is spread among the people.

Again whenever any measure or policy of the Government has been or is likely to be misunderstood, officers of the Government should take particular care to explain the same to persons concerned and to remove the misunderstanding. To illustrate our object in making this recommendation we might say, that if the Mohammadan Magistrate present in the congregation at the *Id* Prayers at Jammu had at once interfered as in our opinion he doubtlessly ought and given proper direction to the Sub-Inspector regarding the reading of the Khutba one of the incidents which gave an unfortunate colour to Mohammadan agitation would have lost its sting. Again if the Superintendent of Police at Jammu had at once inquired into the matter of the alleged *Touhini* Quran and firmly given his opinion, the evil arising from that incident would have been nipped in the bud.

7. We are in agreement that posts in the public services should be reserved for State subjects but we think that the entire question should be re-examined and possibly it will be found that there is no apparent necessity to distinguish between hereditary State subjects and State subjects of two other classes. It may also be found that restriction on the transfer of property may be relaxed without detriment to the interests of the subjects of Your Highness.

We desire to bring to Your Highness' notice and place on the record our thanks for the help we have received from our Secretary Pandit Ram Nath Sharma and the Staff of the Commission and the hard work they have put in for over two months. We wish particularly to express our gratitude for the work done by the four stenographers. Not only they were quick at shorthand, and accurate in typing but we are assured that no portion of the evidence taken in camera leaked out through them. It was due to the Secretary's quickness of grasp, ready accessibility to all and minute supervision of details that the work of the Commission has run so smoothly.

We have done: It only remains to add a prayer that Your Highness' subjects of different communities may give up "the study of revenge, immortal hate" which Milton in *Paradise Lost* attributes to Satan and that our efforts may lead the different communities under Your Highness' rule to appreciate better Your Highness' ever-present desire and constant endeavour for their good and also the aspirations and view points of one another.

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With humble duty, we beg to subscribe ourselves Your Highness' most obedient and most humble servants,

(Sd.) BARJOR DALAL,
Chairman;

Dated 24th September 1931. }
" 8th Assuj 1988. }

(Sd.) B. R. SAWHNY,
(Sd.) ABDUL QAYOOM,
Commissioners;

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